



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

C O R A M

THE HON'BLE DR.JUSTICE S.VIMALA

W.P. (MD) No.20261 of 2016

C.Rajendran

... Petitioner

-vs-

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Sub Collector,
Kumbakonam,
Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.09.2016 to revoke the order of suspension under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in proceedings in R.C.No.5484/2016(A1) dated 31.08.2016 and permit the petitioner to retire from the service with all monetary benefits.

For petitioner

... Mr.AN.Ramanathan

For Respondents

... Mr.A.Muthukaruppan

Addl. Govt. Pleader

O R D E R

"Hang him, not release him;
Hang him not, release him".

The punctuation of comma made viz., the place at which comma was used, was positive for the prisoner. But, unfortunately for the petitioner, the initial C & G attributable to name Rajendran, has created havoc in the retired life of the petitioner, though he received three awards for the meritorious service.

1.1. This petition has been filed, seeking to direct the respondents to consider the petitioner's representation dated 19.09.2016, praying to revoke the order of suspension under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal)



Rules in proceedings in R.C.No.5484/2016(A1) dated 31.08.2016 and to permit the petitioner to retire from service with all monetary benefits.

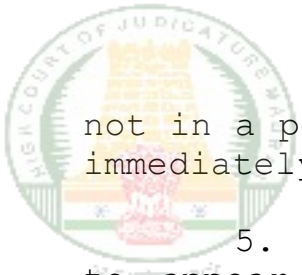
2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that he joined as Village Administrative Officer in the year 1984 and reached the age of superannuation on 31.08.2016; that in the year 2014, a complaint came to be registered against the petitioner in Crime No.28 of 2014 under Sections 420, 120(b), 465 and 468 IPC; that the said complaint was lodged against one Rajendran, who was working as VAO at Thiruvissainallur Village alleging that he helped the accused to mutate patta and based on the said complaint before the DCB, Thanjavur, the 2nd respondent did not permit the petitioner to retire from service on the ground that FIR is pending against him.

3.1. The Inspector of Police, after enquiry, submitted a report stating that the accused Thirunavukkarasu in Crime No.28 of 2015 purchased properties in two villages, namely, Pandaravadai and Thiruvissainallur and the Head Quarters Deputy Tahsildar, Thiruvidadaimaruthur issued a direction to mutate revenue records to the respective Village Administrative Officers; that at that relevant point of time one G.Rajendran worked as VAO at Pandaravadai and the petitioner (C.Rajendran) worked as VAO at Thiruvissainallur at that time; that the investigation further revealed that it was G.Rajendran, who mutated the revenue records and the petitioner did not play any role in the said offence in respect of Crime No.28 of 2014 and it was stated by the Investigating Officer there was no material against the petitioner and charge sheet would not be filed against him in the said Crime Number.

3.2. The petitioner stated that he made a representation to the 1st respondent on 19.09.2016 requesting to permit him to retire from service and also submitted all the necessary documents to prove his innocence, but without considering the same, he was kept under suspension without any valid reason; that the petitioner had rendered unblemished service for the past 32 years and the 2nd respondent has initiated disciplinary proceedings under Section 17 (1)(e) of Tamil Nadu Services (Discipline and Appeal) Rules, which is not at all maintainable.

4. Learned Additional Government Pleader has filed the written statement of the 2nd respondent dated 01.11.2016, wherein it has been stated that even though the report of the Services Officer is dated 08.09.2016, the same was received by the 2nd respondent only on 14.09.2016 and the 2nd respondent was on duty between 26.09.2016 and 04.10.2016 and therefore, he was



not in a position to consider the representation of the petitioner immediately.

5. This Court, on 21.10.2016, directed the 2nd respondent to appear before this Court in person, pursuant to which, he appeared today and produced the order dated 22.10.2016, by which the petitioner has been permitted to retire from service with effect from 31.08.2016 and his suspension has also been revoked. Therefore, the grievance of the petitioner has been redressed at the intervention of this Court.

6. It is seen that the petitioner had rendered 32 years of unblemished service and has also received three awards for his best service. The suspension on the last date of his service would have definitely caused depression and humiliation not only in his mind, but also in the minds of his colleagues, relatives, friends and the entire people, who received the service of the petitioner. Therefore, before placing a person under suspension, care should be exercised by the department, while passing orders of not permitting him to retire. Since the 2nd respondent has already passed the order dated 22.10.2016 thereby permitting the petitioner to retire from service, no further adjudication is required in this writ petition.

7. Accordingly, this Writ Petition is closed. This Court expects the respondents to release all his monetary benefits, if not released so far forthwith. No costs.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

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To:

1. The District Collector,
Thanjavur District, Thanjavur.

2. The Sub Collector,
Kumbakonam, Thanjavur District.

+1cc to Mr.AN.Ramanathan, Advocate Sr.No.65473

JAM/20.02.17 /SV-MMS/ 3p-4c

W.P. (MD) No.20261 of 2016

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