



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)No.5357 of 2016

P.N.Loganathan

... Petitioner

Vs.

1.The Agricultural Production Commissioner &
Secretary to Government,
Agriculture Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Tribunal for Disciplinary Proceedings,
Coimbatore - 641 045.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent herein to permit the petitioner to retire from service on 30.04.2016 a.n without prejudice to the pendency of TDP case NO.18 of 2011 before the second respondent in the light of similar orders issued in the case of similarly placed officials facing TDP proceedings and to continue the proceedings under Rule 9 -A of the Tamil Nadu Pension Rules 1978.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Satheeshkumar

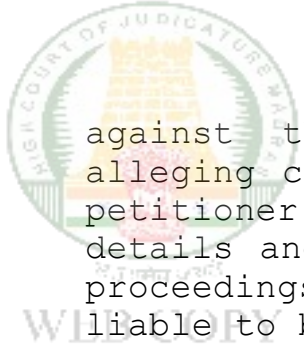
Additional Government Pleader

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus directing the first respondent herein to permit the petitioner to retire from service on 30.04.2016 a.n without prejudice to the pendency of TDP case No.18 of 2011 before the second respondent in the light of similar orders issued in the case of similarly placed officials facing TDP proceedings and to continue the proceedings under Rule 9-A of the Tamil Nadu Pension Rules 1978.

2.Heard the learned counsel appearing on either side.

3.The petitioner is working as Superintending Engineer (Agriculture Engineering) with the first respondent. There is a TDP case pending against him in Case No. 18 of 2011, due to which, his name has not been included in the promotional panel for Chief Engineers. The Tribunal for Disciplinary Proceedings, Coimbatore, issued a charge sheet in TDP case NO. 18 of 2011 on 25.07.2011



against the petitioner and five other Government officials alleging certain irregularities. The charges levelled against the petitioner in TDP case No. 18 of 2011 is bereft of any specific details and he has been accused unnecessarily as the disciplinary proceedings itself was initiated only for vague charges, which is liable to be set aside.

4. Now the contention of the petitioner is that he is to retire from service on 30.04.2016. Though he has sent a representation on 27.02.2016 to the first respondent narrating that the similar persons, who had faced TDP case, were allowed to retire from service and the petitioner should also be retired from service on 30.04.2016 without prejudice to the pendency of the TDP case, the said representation has not been considered by the respondents so far. As the date of superannuation is fast approaching, he is anxious about his date of retirement. Hence, he has filed the present writ petition seeking issuance of writ of mandamus.

5. Considering the above stated facts, without going into the merits of the case, this Court directs the first respondent to consider the representation of the petitioner, dated 27.02.2016 and pass appropriate orders on the same on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

CM

To

1. The Agricultural Production Commissioner &
Secretary to Government,
Agriculture Department, Secretariat, Chennai - 600 009.

2. The Commissioner, Tribunal for Disciplinary Proceedings,
Coimbatore - 641 045.

+1 cc to Mr.M.Ravi, Advocate, SR No. 17390

RG.GSV-PM/SAR-I 29.03.2016 2P/4C

W.P (MD) No.5357 of 2016
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