

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.30135 of 2017
and W.M.P.No.32746 of 2017

P.Dharani

... Petitioner

Vs

1.The State of Tamil Nadu
Rep. by its Addl. Chief Secretary to Government,
Home [Transport II] Department,
Secretariat, Chennai-9.

2.The Principal Secretary/Transport Commissioner,
Chepauk, Chennai-5.

3.The Commissioner,
Tribunal for Disciplinary Proceedings,
Kuralagam, Chennai-1.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records in respect of the impugned orders passed by the 1st respondent in G.O.[2D] No.175, Home [Tr.II] Department dated 29.06.2017 suspending the petitioner from service and the impugned orders passed in G.O.Ms.No.541, Home [Tr.II] Department, dated 30.06.2017 not permitting the petitioner to retire from service on reaching the date of superannuation on 30.06.2017, quash the same and consequently direct the 1st respondent to grant all benefits including service benefits and monetary benefits including pension benefit to the petitioner.

For Petitioner : Mr.C.Selvaraj, Senior Counsel
for Mr.A.Ganesan

For Respondents : Mr.P.Sanjay Gandhi, AGP

O R D E R

The present Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to quash the impugned orders passed by the 1st respondent in G.O.[2D] No.175, Home [Tr.II] Department dated 29.06.2017 suspending the petitioner from service and G.O.Ms.No.541, Home [Tr.II] Department, dated 30.06.2017 not permitting the petitioner to retire from service on the date of superannuation i.e., on 30.06.2017 and to direct the 1st respondent to grant all benefits

to the petitioner.

2.Heard Mr.C.Selvaraj, learned Senior Counsel appearing for the petitioner; Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

3.The petitioner while serving as Regional Transport Officer reached the age of superannuation was placed under suspension by an order dated 29.06.2017, by passing G.O.[2D] No.175, Home [Tr.II] Department. On the next day i.e., on 30.06.2017, he was not permitted to retire from service and was retained in service, citing a reason that an enquiry is pending against him in G.O.Ms.No.541, Home [Tr.II] Department.

4.Mr.C.Selvaraj, learned Senior Counsel appearing for the petitioner would submit that whereas, an incident took place that took place in the year 2010, all along the Department having kept quiet for a period of six years, at the time of reaching the age of superannuation, namely, 30.06.2017, one day before i.e., on 29.06.2017, the petitioner was placed under suspension and on the date of retirement, he has been retained in service stating that an enquiry is pending. Till date, charge memo has not been issued. However, the petitioner is prepared to face the disciplinary proceedings. Since the disciplinary proceeding is pending, the petitioner would not be able to receive the pension to take care of his family. Learned Senior Counsel would further submit that if a direction is issued to the Tribunal to complete the enquiry within a prescribed period, no prejudice would be caused to the respondent.

5.Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents sought for sufficient time to complete the enquiry by the Tribunal.

6.Considering the fact that the enquiry was initiated against the petitioner in respect of an incident that took place in the year 2010 and the petitioner also reached the age of superannuation on 30.06.2017, this Court directs the Tribunal to complete the enquiry and pass appropriate orders in accordance with law within a period of six months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

1.The Addl. Chief Secretary to Government,
Home [Transport II] Department,
Secretariat,
Chennai-9.

3.The Commissioner,
Tribunal for Disciplinary Proceedings,
Kuralagam,
Chennai-1.

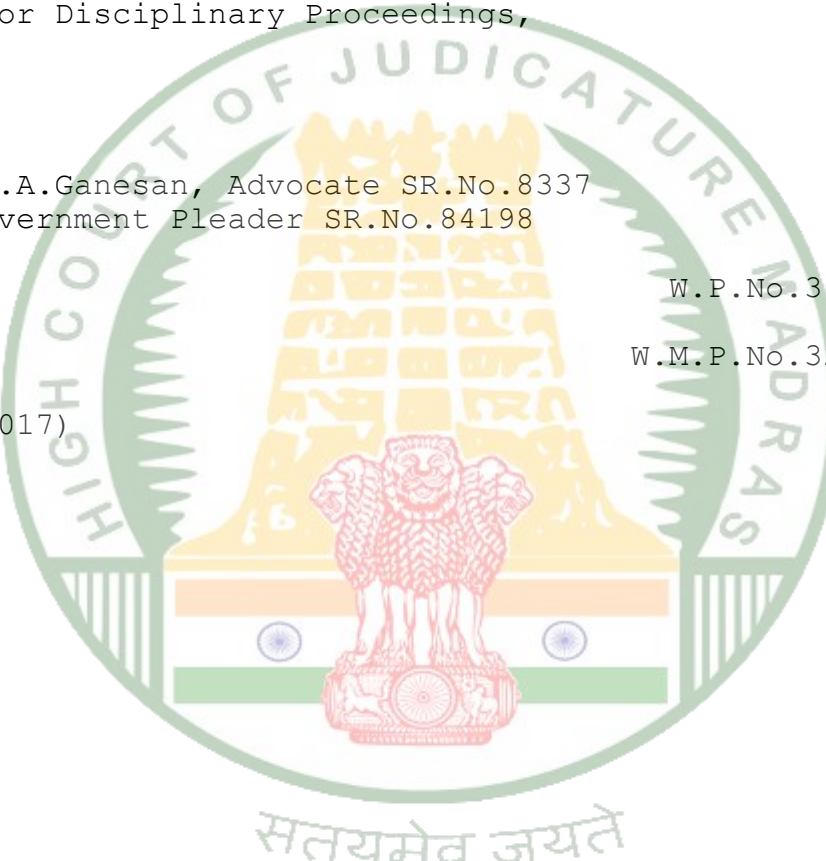
W.P.No.30135 of 2017
and
W.M.P.No.32746 of 2017

for Disciplinary Proceedings,

M.A.Ganesan, Advocate SR.No.8337
Government Pleader SR.No.84198

W.P.No.30
W.M.P.No.32

(2017)



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