

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6450 & 6451 of 2017 and
W.M.P.Nos.6960 & 6961 of 2017 and 6958 & 6959 of 2017

K.Paul Kumaresan .. Petitioner
(in both the W.Ps')

Versus

1. The State of Tamilnadu Rep. by
The Secretary to Government,
Rural Development Department,
Secretariat, Chennai - 9.
2. District Collector,
Vellore District,
Vellore.
3. The Block Development Officer,
Walajah Panchayat Union,
Vellore District, Vellore. .. Respondents
(in both the W.Ps')

Prayer in W.P.No.6450 of 2017: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of CERTIORARIFIED MANDAMUS, to call for the records on the file of the 2nd respondent in connection with the orders passed by him in his Proc.Rc.NO.4005/2016/PA1, dated 28.04.2016, Rc.No.13393/2015/PA1 dated 29.04.2016 and Proc.Na.Ka.Pa.A1/13393/2015 dated nil February 2017 signed on 16.02.2017 and quash the same and direct the respondent to pay all the monetary and service benefits to the petitioner.

Prayer in W.P.No.6451 of 2017: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of CERTIORARIFIED MANDAMUS, to call for the records on the file of the 3rd respondent in connection with the orders passed by him in his Proc.Na.Ka.A4/635/14, dated 15.02.2017 and quash the same

and direct the respondents to pay all the monetary and service benefits to the petitioner.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
(in both the W.Ps') for M/s.Srividhya

For Respondents : Mr.K.Dhanajeyan
(in both the W.Ps') Special Government Pleader for R1 & R2
Mr.R.S.Selvam for R3

C O M M O N O R D E R

The writ petitioner, who was holding the post of Block Development Officer, was placed under suspension in proceeding dated 28.04.2016. The writ petitioner was due for retirement on 30.04.2016 on attaining the age of superannuation. Thus, his service was extended under the provision of FR 56 (i)(c) in order dated 29.04.2016.

2. The learned Senior Counsel appearing on behalf of the writ petitioner represented that on an earlier occasion, the very same petitioner filed W.P.No.42661 of 2016 and this Court passed an order on 02.12.2016 directing the respondents to disburse the provisional pension and to consider the representation in respect of disposal of the disciplinary proceedings. Pursuant to the direction, the District Collector, Vellore, passed an order in February 2017 stating that an employee, who is placed under suspension, has to face the domestic enquiry on the charge memo issued under the Tamilnadu Civil Services (Discipline & Appeal) Rules. In respect of the writ petitioner, he was not allowed to retire from service and his services were retained and therefore, it is stated that, on completion of enquiry after appointing the Enquiry Officer, the authorities will take a final decision in the disciplinary proceedings. In this regard, the learned Senior Counsel submitted that a charge memo was already issued by the District Collector on 13.04.2017 and pursuant to the charge memo, the writ petitioner submitted his explanation on 13.05.2017 denying the charges.

3. Therefore, it is suffice that a direction is issued to proceed with the enquiry and conclude the same as early as possible. In this view of the matter, this Court is inclined to direct the respondents to proceed with the domestic enquiry after providing an opportunity to the writ petitioner and pass final orders in the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order.

4. However, the directions issued to conclude the enquiry is subject to the cooperation to be extended by the writ petitioner in this regard. The respondents are directed to pay the subsistence allowance not exceeding the provisional pension till the conclusion of the domestic enquiry and passing of final orders.

5. Accordingly, the Writ Petition stands disposed of. However, no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cgi/kas

To

1. The Secretary to Government of Tamil Nadu,
Rural Development Department,
Secretariat, Chennai - 9.
2. District Collector,
Vellore District,
Vellore.
3. The Block Development Officer,
Walajah Panchayat Union,
Vellore District, Vellore.

+1cc to Mr.R.Selvam, Advocate SR.No.48931
+1cc to Mr.M.Srividhya, Advocate SR.No.48920
+1cc to Government Pleader SR.No.49717

W.P.Nos.6450 & 6451 of 2017

RSI (CO)
GN(04/08/2017)

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