

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20926 of 2014

S.Perumal

.. Petitioner

-Vs-

1. The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.

2. The Assistant Director of Town Panchayat,
Salem District,
Salem.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records, relating to the impugned orders bearing Ref.No.(1) R.O.C.No.12534/2010-1/A1 dated 30.6.2010 and (2) R.O.C.No.12534/2010-2/A1 dated 30.6.2010 on the file of the first respondent herein and quash the same and consequently direct the first respondent to allow the petitioner to retire from service with all retirement benefits such as Gratuity, Provident Fund, Leave Salary and other terminal benefits, etc.

For Petitioner : Mr.G.K.Ilanthirayan for
M/s.Sai Bharath and Ilan.

For Respondents : Mr.K.Thangapandi,
Government Advocate.

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ORDER

The relief sought for in this writ petition is for a direction to quash the proceedings dated 30.6.2010 in respect of placing the writ petitioner under suspension and another proceedings issued on the same date, retaining the services of the writ petitioner under the Fundamental Rules.

2. On initiation of the departmental disciplinary proceedings, the writ petitioner was placed under suspension on 30.6.2010 and his services were retained under Rule 56(1)(c) of the Fundamental Rules. A criminal case was registered against

the writ petitioner and the writ petitioner was acquitted from the criminal charges. However, it is for the Department to consider these aspects and mere acquittal cannot be a bar for the continuance of the departmental disciplinary proceedings.

3. However, there is a long delay in concluding the disciplinary proceedings initiated in proceedings dated 30.6.2010. The writ petitioner is under continuous suspension for about seven years and therefore, the authorities have to consider the facts and circumstances and review the case of the writ petitioner and take suitable decision in this regard. However, the writ petitioner has submitted a representation to the Director of Town Panchayat on 9.7.2010 to redress his grievances and the same is yet to be considered.

4. Thus, without going into the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 9.7.2010 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and other related documents, to the first respondent along with the order passed in this writ petition.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.
2. The Assistant Director of Town Panchayat,
Salem District,
Salem.

+1cc to M/s.Sai, Bharath & Ilan, Advocate, S.R.No.74808

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RSI(CO)
CA(09/11/2017)