

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.9921 of 2017  
and W.M.P.No.10917 of 2017

K.Chettigoundan  
Block Development Officer /  
Commissioner,  
(under Suspension),  
Mecheri Panchayat Union,  
Mettur Taluk,  
Salem District. ... Petitioner

Vs.

The District Collector,  
Salem District,  
Salem. ... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pass final orders in the charge memos issued to the petitioner vide-Na.Ka.No.39337/2015/Ni.1 dated 03.03.2016 and Na.Ka.No.5784/2017/Ni.1 dated 24.03.2016 respectively, and consequently, allow the petitioner to retire from service on attaining age of superannuation i.e., on 31.03.2016 and pay all retirement and other service benefits forthwith.

For Petitioner : Mr.M.R.Jothimanian  
For Respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader

O R D E R

The petitioner was appointed as Typist and thereafter, he was worked in various posts including Deputy Block Development Officer. While he was in service, he was issued with charge memo on 03.03.2016 stating that there was illegal appointment made in respect of the post of noon-meal cooks and also there was misappropriation of funds. Subsequently, another charge memo was issued on 24.03.2016 alleging that there was irregularity in awarding contract and misappropriation of general funds.

2. The petitioner submitted his explanation and the Enquiry Officer, namely, Assistant Director, Rural Development [Audit] has completed the enquiry and submitted his report in the month of May 2016. But till date no final order has been passed. Since the petitioner had already reached the age of superannuation, he is facing problem in not receiving the full pensionary benefits. Therefore, if a direction is given to the respondent to furnish a copy of the report calling upon him for explanation and thereafter, to pass final report, no prejudice would be caused to the respondent.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondent submitted that the petitioner had already reached the age of superannuation on 31.03.2016 and the Enquiry Officer was also conducted enquiry and for filing the final report, he sought for reasonable time.

4. As the petitioner had already reached the age of superannuation on 31.03.2016 and the enquiry was also over and submitted the report in the month of May 2016, this Court directs the respondent to furnish a copy of the report of the Enquiry Officer along with the second show cause notice, if any, to the petitioner and pass final orders, within a period of four months from the date of receipt of a copy of this order.

5. With this direction, the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

sri

Sub Assistant Registrar

To

The District Collector,  
Salem District,  
Salem.

+lcc to Mr.M.R.Jothimanian, Advocate, S.R.No.24331  
+lcc to the Government Pleader, S.R.No.24473

W.P. No.9921 of 2017

SJ(CO)  
RS(12/05/2017)