

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 18.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1215 of 2017

and

W.M.P.No.1149 of 2017

G.Rusikesavan ... Petitioner

-Vs-

1. Tamil Nadu Civil Supplies Corporation Limited
Rep. by its Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.
2. The General Manager (Administration),
The Tamil Nadu Civil Supplies Corporation Limited,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010
3. The Senior Regional Manager,
The Tamil Nadu Civil Supplies Corporation Limited,
Dharmapuri.
4. The Senior Regional Manager,
The Tamil Nadu Civil Supplies Corporation Limited,
Tirunelveli Region. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to pass appropriate order allowing the petitioner to retire from service based on petitioner's representation dated 17.10.2016 and disburse to petitioner all the retirement benefits.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co.op.)

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co.op.) accepts notice on behalf of the respondents.

2. The petitioner was appointed as Assistant Quality Inspector on 26.01.1982 in the service of the Tamil Nadu Civil Supplies Corporation and on the verge of attainment of superannuation i.e., on 31.07.2013, he was placed under suspension by proceedings of the first respondent dated 29.07.2013 alleging that certain irregularities were noticed by the Department of Vigilance and Anti-Corruption, Dharmapuri. The second respondent has also issued a charge memo to the petitioner and as per the proceedings dated 30.06.2015, the petitioner was imposed with a punishment of stoppage of increment for a period of 5 years with cumulative effect. So far as the case in Crime No.4/2011 registered by the above said Agency is concerned, it was closed as "action dropped".

3. The grievance expressed by the petitioner is that in the light of the closure of the prosecution and also the imposition of the above said punishment in the department, there cannot be any impediment to revoke the order of suspension and permit him to retire from service with a further direction to confer with consequential and other benefits within the stipulated time.

4. Per contra, learned Special Government Pleader appearing for the respondents would submit that there cannot be any impediment to revoke the order of suspension and to permit the petitioner to retire from service, subject to the condition that the petitioner shall give an undertaking to deduct the stoppage of increment for a period of 5 years with cumulative effect from the retirement benefits due and payable to him and as and when the petitioner gives his consent, appropriate orders will be passed.

5. This Court has considered the rival submissions and also perused the materials placed on record.

6. In the light of the submission made and the above facts and circumstances, this Court permits the petitioner to submit a letter of undertaking permitting the respondents to deduct the penalty of stoppage of increment for a period of 5 years with cumulative effect from his retiral benefits within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, is directed to consider the said undertaking/ representation on merits and in accordance with law and pass orders as expeditiously as possible and not

later than six weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Limited
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.
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Dharmapuri.
4. The Senior Regional Manager,
The Tamil Nadu Civil Supplies Corporation Limited,
Tirunelveli Region

+1cc to Mr.L.P.Shanmuga Sundram, Advocate sr.3443

+1cc to Mr.Appaji, Advocate sr.4017

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mg(co)
ss(24/01/2017)

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