

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.992 of 2017
and
C.M.P.Nos.13830 and 13831 of 2017

Mr.K.Parthasarathi ... Appellant/Petitioner

Versus

1. The Director of School Education
O/o. the Director of School Education
DPI Campus College Road
Nungambakkam Chennai 600 006
2. The Director of Elementary
School Education
O/o.the Director of School Education
DPI Campus College Road
Nungambakkam Chennai 600 006
3. The Joint Director of School
Education (Personnel)
O/o.the Director of School Education
DPI Campus College Road
Nungambakkam Chennai 600 006
4. The Chief Educational Officer
Chief Educational Office Sathuvachari
Vellore District.
5. District Elementary Educational Officer
District Elementary Educational Office
Vellore Vellore District.
6. The Assistant Elementary Educational Officer
Assistant Elementary Educational Office
Thimiri Vellore District. ... Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 22.6.2017 passed in W.P.No.15765 of 2017 on the file of this court.

W.P.No.15765 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings R.C.No.074400/A3/S2/2015 dated 25.05.2017 and quash the same as illegal and consequently direct the 3rd respondent to allow the petitioner to retire peacefully on superannuation on 31.05.2017 and to pay the petitioner all attendant benefits including pension and all pensionary benefits.

For Appellant : Mr.V.Raghavachari for
Mr.M.Subash Pandiyan

For R1 : Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.R.Prathapkumar,
Additional Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned Additional Advocate General for the respondents.

2. It appears that in connection with some chit business transaction alleged have been conducted and some money transaction among one Koti being de facto complainant and his father Gajendran, involving the appellant/writ petitioner, an FIR had been filed in the year 2014 itself, wherein no progress was shown subsequently, however, the appellant/writ petitioner was proceeded departmentally by the impugned order of suspensio0n dated 25.5.2017 when he had retire by 31.5.2017. It is pertinent to note that till date, no final report is filed.

3. Even if the final report is filed by the Police, the transaction based on which the FIR is filed is a private transaction between father and son, who is the de facto complainant as it transpires from the materials available on record, wherein the appellant/writ petitioner was implicated and it is in no way connected with the official duty that was being discharged by the appellant/writ petitioner.

4. Therefore, we are of the view that the appellant/writ petitioner shall be permitted to retire peacefully as expeditiously as possible, without mixing the issue of some money transaction, which is alleged to have taken place between the de facto complainant and his father, involving the appellant/writ petitioner, especially when the amount is also said to have been repaid to the de facto complainant.

Accordingly, the writ appeal is allowed setting aside the order passed by the learned Single Judge. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk

To:

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+1cc to the Government Pleader, S.R.No.71416

W.A.No.992 of 2017

PPA(CO)
CA(06/11/2017)