

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21682 of 2017
and
W.M.P.No.22674 of 2017

K. Manimegalai ... Petitioner

Versus

The Secretary to Government,
Health and Family Welfare (I-2) Department,
Secretariat,
Fort St. George,
Chennai - 600 009. ... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent pertaining to the order of suspension in G.O.(D) No.672 dated 31.08.2005 and not to permitting her to retire from service in G.O.(D) No.681 dated 29.05.2007 and quash the same and consequently direct the respondent to treat the suspension period as on-duty for all purpose and award all consequential retirement benefits to the petitioner.

For Petitioner : Mr.M.S.Soundararajan
For Respondent : Mr.M.Perumal,
Government Advocate.

ORDER

The relief sought for in this writ petition is to quash the order of suspension in G.O.(D) No.672 dated 31.08.2005 and the order not permitting the petitioner to retire from service in G.O.(D) No.681 dated 29.05.2007 and consequently direct the respondent to treat the suspension period as on-duty for all purposes and award all consequential retirement benefits to the petitioner.

2. The learned counsel for the writ petitioner restricted the prayer by stating that it is suffice if a direction is given to the respondent to consider the representation submitted by the writ petitioner on 22.09.2016. The writ petitioner was

placed under suspension on account of certain allegations and he was not allowed to retire from service.

3. The learned counsel appearing for the writ petitioner contented that the writ petitioner was placed under suspension on account of pendency of criminal case and the criminal case ended with an order of acquittal. There is no reason to keep the disciplinary proceeding pending against the writ petitioner.

4. This Court is of the view that disciplinary proceeding initiated against the Government employee should be concluded as early as possible without any further delay. The writ petitioner is also aged about 67 years and is unable to get terminal and other beneficial benefits. In view of this, it is the duty of the respondent to expedite the enquiry proceeding and complete the same as early as possible.

5. Since, the writ petitioner is already aged about 67 years and the disciplinary proceedings are still pending and no final decision has been taken by the disciplinary authority, this Court is inclined to direct the respondent to consider the representation submitted by the writ petitioner on 22.09.2016 and pass orders on merits and in accordance with law within a period of twelve weeks.

6. The writ petition stands disposed of. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

rsi

To

The Secretary to Government,
Health and Family Welfare (I-2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

+ 1 cc to Mr. M.S. Soundararajan, Advocate Sr.58771

W.P.No.21682 of 2017

and

W.M.P.No.22674 of 2017

SJ(CO)

EU 14.09.17