

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24784 of 2017

and WMP.No.26170 of 2017

N.G.Raamakrishnan

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Erode.

2.The Inquiry Officer/
Special Tashildar (SSS),
Perundurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the Charge Memorandum bearing Proceedings No.908/2015/A2, dated 22.07.2016 as well as the Proceedings bearing No. 908/2015/A2, dated 30.05.2017 retaining the petitioner in service without issuance of any suspension order as well as non-supply of the Inquiry Report by the second respondent and to quash the same as arbitrary, illegal and contrary to law with consequential direction to the first respondent to disburse all terminal benefits to the petitioner by regularization of his service as Village Administration Officer.

For Petitioner : Mr.Haja Zairudeen, Senior Counsel
for

M/s.K.Nethrasikamani

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The relief sought for in this writ petition to quash the charge memorandum issued by the first respondent in proceedings dated 22.7.2016 as well as the proceedings issued on 30.5.2017, retaining the services of the writ petitioner after the date of superannuation.

2. The learned counsel appearing for the writ petitioner made a submission that the charge memo was issued on 22.7.2016 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same was served on the writ petitioner on the verge of his date of superannuation. The order dated 30.5.2017, retaining the services of the writ petitioner, was also issued, however, the writ petitioner was not placed under suspension. The learned counsel is of the opinion that once the services of the writ petitioner was retained after attaining the age of superannuation, then necessarily such an employee ought to have been placed under suspension for the purpose of continuing the disciplinary proceedings, however no such order of suspension was passed.

3. The learned counsel further submits that the enquiry proceedings got completed and in fact, the enquiry officer has also submitted his report and a copy of the enquiry report was obtained by the writ petitioner under the Right to Information Act.

4. This Court is of the view that, now based on the charge memorandum, enquiry proceedings have been completed and the enquiry officer also had submitted his final report and it is for the disciplinary authority to pass final orders in the disciplinary proceedings. Under these circumstances, it is not preferable to quash the charge memo or the order passed retaining the services of the writ petitioner. However, in the interest of justice, it is suffice if a direction is issued to complete the disciplinary proceedings by way of passing final orders in this regard. In this view of the matter, the first respondent is directed to consider the materials available on record and pass final orders in the disciplinary proceedings, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Erode.

2.The Inquiry Officer/
Special Tashildar (SSS),
Perundurai.

+1 cc to Mr.K.Nethrasikamani Advocate sr 67393

+1 cc to the Government Pleader sr 67958

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aa11/10/2017



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