

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16201 of 2017 and
W.M.P.No.17520 of 2017

V.Mynavathy

... Petitioner

Vs.

1. The District Collector
Thiruvallur Collectorate
Thiruvallur District.
2. The Principal Secretary / Commissioner
Greater Chennai Corporation
Chennai - 600 003.
3. The Principal Secretary / Commissioner,
Revenue Administration,
Chennai 600 003.
4. The Inspector of Police,
Central Crime Branch
15th Team, Vepery,
Chennai - 600 007.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, to call for the records relating to the impugned proceedings dated 27.04.2017 in R.C.No.13674/2016/A3 issued by the 1st respondent, quash the same.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

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O R D E R

This writ petition has been filed challenging the last minute suspension order dated 27.4.2017 followed by the issuance of charge memo on the very same day, taking into account that the petitioner is going to demit her office on reaching the age of superannuation on 30.04.2017, on the ground that the first respondent has wrongly passed the order of suspension by retaining her in service and also for issuing the charge memo on the very same day.

2. Learned counsel for the petitioner submitted that for the so called irregularities that have allegedly taken place in 2011, the respondent department should have initiated action then and there. Leaving it to lapse in 2011, the respondents, at the time of her retirement, cannot proceed with the departmental proceedings placing the petitioner under suspension.

3. But this Court is not inclined to entertain the writ petition. When the allegations made against the petitioner are all going to be looked into by subjecting the petitioner before the departmental enquiry and in addition thereto, a criminal case is also pending against the petitioner, placing the petitioner in the last minute, prima facie, cannot be found fault with. Otherwise the petitioner cannot be retained in service for the purpose of continuation of the departmental proceedings. Therefore, I do not find any infirmity in the issuance of the order of suspension and also the issuance of charge memo on the very same day. Therefore, the writ petition is dismissed. Consequently, the connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cgi/ss

To

1. The District Collector
Thiruvallur Collectorate
Thiruvallur District.

2. The Principal Secretary / Commissioner
Greater Chennai Corporation
Chennai - 600 003.
3. The Principal Secretary / Commissioner,
Revenue Administration,
Chennai 600 003.
4. The Inspector of Police,
Central Crime Branch
15th Team, Vepery,
Chennai - 600 007.

+1cc to the Government Pleader, S.R.No.45782

W.P.No.16201 of 2017

SKS (CO)
CS/19/07/17



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