IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.27060 of 2017

M.Rajendran ...Petitioner

Versus

1. State of Tamil Nadu
   rep. by its Secretary,
   Revenue Department,
   Fort St. George,
   Chennai-9.

2. The District Collector,
   Thiruvallur District.

3. The Revenue Divisional Officer,
   O/o Revenue Divisional Office,
   Ponneri, Thiruvallur District.

4. The Accountant General,
   Office of the Accountant General,
   Teynampet, Chennai-18. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the Proceedings of the 3rd respondent in Na.Ka.No.3498/2017/A1 dated 31.08.2017 as having been issued under Rule 9 of the Tamil Nadu Pension Rules and consequently, direct the respondents to conclude the disciplinary proceedings within a time frame to be fixed by this Court and consequently, direct the respondents to process the terminal benefits of the petitioner including the encashment of Earned Leave and General Provident Fund and all other retirement benefits as per Rule 69 of the Tamil Nadu Pension Rules, within a time frame to be fixed by this Court.

For Petitioner : Ms.Dakshayani Reddy for M/s.P.Nethaji

For Respondents 1 to 3 : Mr.K.Rajendra Prasad, Government Advocate

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents herein to consider the Proceedings of the 3rd respondent in Na.Ka.No.3498/2017/A1 dated 31.08.2017 issued under Rule 9 of the Tamil Nadu Pension Rules and for consequential directions, directing the respondents to conclude the disciplinary proceedings and to process the terminal benefits of the petitioner including the encashment of Earned Leave and General Provident Fund and all other retirement benefits as per Rule 69 of the Tamil Nadu Pension Rules, within a time frame to be fixed by this Court.

2. The case of the petitioner is that he was originally appointed as Village Administrative Officer vide proceedings dated 14.02.2009 and has rendered unblemished service during his entire career. While so, he was issued with a Charge memo one day before the age of his superannuation i.e. on 30.08.2017 and on the next day i.e. 31.08.2017, he was permitted to retire from service subject to the pendency of the disciplinary proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. The further case of the petitioner is that a perusal of the charge memo does not reflect that there has been financial loss to the department due to his act. Therefore, he has also sought for a consequential direction to disburse his retirement and other benefits including gratuity in this Writ Petition.

3. Though a larger prayer has been made in the Writ Petition, now the learned Counsel for the petitioner would submit that if a direction is given to the 1st respondent to dispose of the disciplinary proceedings pending against the petitioner within a stipulated time, he would be satisfied.

4. Mr.K.Rajendraprasad, learned Government Advocate, who takes notice for the respondents 1 to 3 sought four months time to complete the disciplinary proceedings pending against the petitioner.

5. In view of the above, this Court directs the 1st respondent to expedite the disciplinary proceedings pending against the petitioner and pass appropriate orders, within a period of four months from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To
1. Secretary to Government
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai-9.

2. The District Collector,
Thiruvallur District.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Ponneri, Thiruvallur District.

4. The Accountant General,
Office of the Accountant General,
Teynampet, Chennai-18.

+1 cc to Mr.P.Nethaji Advocate sr 74540
+1 cc to the Govt Pleader sr 75295

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