

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19121 of 2017

&

W.M.P.Nos.20630 & 20631 of 2017

R.Ganesan

.. Petitioner

Vs.

1.The Secretary to Government,
Revenue (Services 2) Department,
Fort St George,
Chennai -600 009.

2.The District Collector,
Namakkal District, Namakkal.

3.The Revenue Divisional Officer,
Namakkal, Namakkal District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in connection with the impugned order passed by him in ROC No.3318/2017/A1 dated 30.06.2017 and ROC No.3318/2017/A1 dated 30.06.2017 and quash the same and direct the respondents to superannuate the petitioner from service and grant him all consequential, service and pensionary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.C.C.Ranga Rajan

O R D E R

The order of suspension dated 30.06.2017 and the order retaining the service of the petitioner dated 30.06.2017, are under challenge in this writ petition.

2.The writ petitioner was holding the post of Village Administrative Officer at Rasampalayam Village, Namakkal Taluk

and certain irregularities were found against the writ petitioner while performing his duties and responsibilities and based on the allegations, the writ petitioner was placed under suspension on the last date of his retirement on 30.06.2017. In view of the fact that the writ petitioner has attained the age of superannuation, it was necessary for the competent authorities to extend the service of the writ petitioner under F.R.56 (1)(c). Accordingly, the order to that effect was also issued on 30.06.2017, retaining the writ petitioner in service.

3. The learned counsel for the writ petitioner contended that the allegations pertaining to the year 2014, and the authorities have waited for a long period and placed the writ petitioner under suspension after a lapse of 2½ years.

4. This Court is of the view that these points are to be pleaded and adjudicated in the domestic enquiry to be conducted, after framing of the charges against the writ petitioner. At this point of time, this court will not be in a position to consider the merits and demerits of the case of the writ petitioner, since he was placed under suspension and no charge memo has been issued as on date.

5. The learned counsel for the writ petitioner pleaded that a direction may be issued to conclude the disciplinary proceedings as early as possible, in view of the fact that no charge memo has been issued and the order of suspension was passed only on 30.06.2017.

6. This court is not in a position to issue a direction at this point of time. Such a direction will have to be considered only after the issuance of charge memo and on appointing the Enquiry Officer. However, this court is of the opinion that the writ petitioner was due for retirement on 30.06.2017 and the Disciplinary Authority, on initiation of the disciplinary proceedings, has to proceed with the proceedings and conclude the same as early as possible without any further delay, since the delay will affect the settlement of the retiral benefits of the writ petitioner. In this view of the matter, no further adjudication is to be under taken in this writ petition.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dn/dna

To

1.The Secretary to Government,
Revenue (Services 2) Department,
Fort St George,
Chennai -600 009.

2.The District Collector,
Namakkal District, Namakkal.

3.The Revenue Divisional Officer,
Namakkal, Namakkal District.

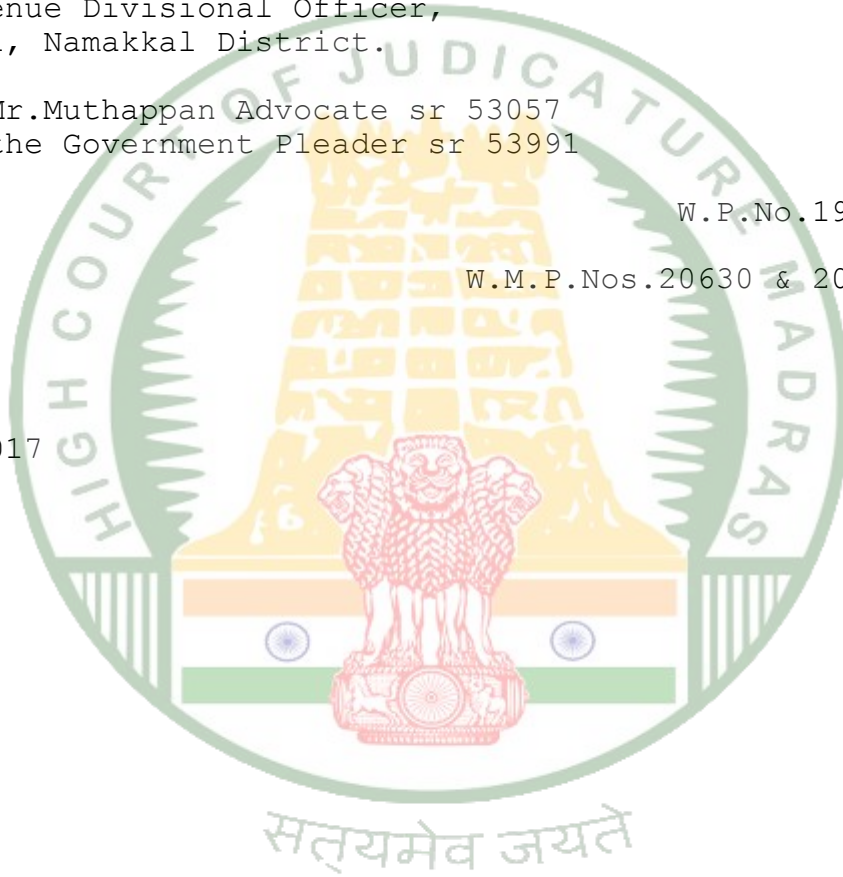
+1 cc to Mr.Muthappan Advocate sr 53057

+1 cc to the Government Pleader sr 53991

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