



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2027

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) .No.1193 of 2016

M.Habeeb Rahman : Appellant/Petitioner
Vs.

The District Collector,
Madurai District,
Madurai-625 020. : Respondent/Respondent

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order of the learned Judge in W.P.(MD). No.14293 of 2011, dated 04.07.2013 and allow the present writ appeal.

Prayer in WP(MD) . 14293/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the order passed by the Respondent in his proceedings in Roc.No.A1/82973/2010-1, dated 27-01-2011 and the order in Roc.No.A1/82973/2010-2, dated 27-01-2011 and the consequential order in Roc.No.A1/25086/2011, dated 25-07-2011 and quash the same and direct the Respondent to allow the Petitioner to retire from service and to settle the all retirement benefits.

For Appellant : Mr.V.Paneer Selvam
For Respondent : Mr.M.Govindan
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The unsuccessful writ petitioner is on appeal challenging the order dated 04.07.2013 made in W.P.(MD).No.14293 of 2011.

2.The writ petitioner was working as Tahsildar and reached the age of superannuation on 31.01.2011. He was however placed under suspension and retained in service by order dated 27.01.2011. This was on account of pendency of criminal case against the writ petitioner in Special Case Nos.10, 11, 13 and 14 of 2008 on the charge of Cheif Judicial Magistrate, Madurai. The said criminal case has been pending for a very long time. The writ



petitioner therefore questioned the order dated 27.01.2011 passed by the respondent and sought a direction for allowing him to retire from service and for settlement of all the retirement benefits. The learned Judge dismissed the writ petition. Hence this intra-Court appeal.

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3.The learned Counsel for the appellant persisted in his contention that relief ought to be given to the appellant since the departmental action against was dropped. That is the only ground on which the writ petition was filed. The question is whether a person involved in a criminal case and facing prosecution initiated at the instance of Vigilance and Anti Corruption Department can be allowed to retire and be given terminal benefits. Such a question cannot admit of any doubt. The person involved in a corruption case ought to be suspended and as he has no right to seek revocation of suspension till he is discharged or acquitted in the criminal case.

4.Therefore, the writ petitioner was rightly retained in service and not allowed to retire. The question of disbursement of terminal benefits to the writ petitioner would arise only upon the conclusion of the criminal case. There is absolutely no merits in this writ Appeal. It stands dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

/Truecopy/

Sub Assistant Registrar

To

The District Collector,
Madurai District,
Madurai-625 020.

+1cc to M/S.V.PANEER SELVAM, Advocate SR.No.70486

+1cc to Special Government Pleader, SR.No.70269

tsg/skm

MAS/JC/SAR2:23.08.2017:2P-4C

Judgment made in
W.A. (MD) .No.1193 of 2016
Dated: 02.8.2017