



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.14722 of 2017
and WMP No.11568/2017

S.Swaminathan

... Petitioner

Vs.

The Regional Deputy Registrar (Housing),
Thomas David Nagar,
Old Housing Unit, Thanjavur.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records relating to the proceedings of the respondent in Na.Ka.570/2017/P Thu (1) dated 19.05.2017 and quash the same as illegal and arbitrary.

For Petitioner
For Respondent

: Mr.P.Ganapathi Subramanian
: Mr.R.Karthikeyan,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondent.

3. The petitioner has come to this Court challenging the order of suspension and one another order of retention in service passed under Rule 56(1)(c) of the Fundamental Rules and the charge memo under Rule 17(b) of the Tamil Nadu Subordinate Services (Discipline and Appeal) Rules, on 19.05.2017 complaining two charges.

4. The learned counsel for the petitioner would submit that when the petitioner was about to retire on 31.05.2017 from the post of Cooperative Sub Registrar, the Regional Joint Registrar of Cooperative Societies, Thiruvarur wrongly passed the suspension order thereby retaining him in service alleging that while he was employed as Cooperative Sub Registrar/Special Officer of Z127 Kumbakonam Urban Cooperative House Building Society allegedly caused loss for not collecting the guideline value to the tune of RS.14,19,595/- in seven sale transactions relating to the year 2010. During that period, the petitioner was not at all holding



the post of Cooperative Sub Registrar of the said Cooperative Society.

5. The learned Additional Government Pleader submitted that final order will be passed on the pending disciplinary proceedings within a reasonable time.

6. A perusal of the charge memo does not through any light relating to the petitioner's alleged lapse relating to the year 2010. In any event, since the petitioner has been retained in service by placing him under suspension for the purpose of continuing departmental proceedings, it is also as a matter of fact essential for completion of the departmental proceedings.

7. This Court, in the interest of both parties, without making any observation on the validity of the charge memo, hereby directs the disciplinary authority to proceed further in accordance with law and complete the disciplinary proceedings, keeping in mind the fact that the petitioner has already reached the age of superannuation on 31.05.2017 and pass final order on the pending disciplinary proceedings, preferably, within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

The Regional Deputy Registrar (Housing),
Thomas David Nagar,
Old Housing Unit, Thanjavur.

+1cc to M/S.P.GANAPATHI SUBRAMANIAN, Advocate SR.No.71976

rr
MAS/SV-MMS/SAR3:19.09.2017:2P-3C

W.P. (MD) No.14722 of 2017
and WMP No.11568/2017
08.08.2017