

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

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THE HON'BLE MR.JUSTICE T.RAJA

W.P.Nos.916 and 917 of 2018

and WMP.Nos.1117 and 1118 of 2018

K.Suriyakumari ... Petitioner in both W.Ps.

Vs.

1.Additional Chief Secretary to Government (FAC),
State of Tamilnadu,
Secretariat, Ezhilagam, Chennai.

2.Principal Secretary/Commissioner of
Treasuries & Accounts,
Chennai-25. ... Respondents in both W.Ps.

Prayer in W.P.No.916 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order of suspension in G.O.(D).No.318, Finance (T&A-II) Department dated 29.11.2017 passed by the 1st respondent.

Prayer in W.P.No.917 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order in G.O.(D).No.321, Finance (T&A-II) Department dated 30.11.2017 passed by the 1st respondent.

For Petitioner : M/s.S.Sankarasubramanian

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

COMMON ORDER

W.P.No.916 of 2018 is directed against the impugned order of suspension passed by the first respondent in G.O.(D).No.318, Finance (T&A-II) Department dated 29.11.2017. W.P.No.917 of 2018 is directed against the order of the first respondent in G.O.(D).No.321, Finance (T&A-II) Department dated 30.11.2017, not allowing the petitioner to retire from service on reaching the age of superannuation, under Rule 56(1)(c) of the Fundamental Rules.

2. Heard the submissions of the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice for the respondents.

3. Since the petitioner is facing enquiry in respect of charges, the respondents have rightly passed the impugned orders, placing him under suspension and also retaining him in service as per Rule 56(1)(c) of the Fundamental Rules, for the reason that if the petitioner is permitted to retire from service, the respondents would not be in a position to proceed with the disciplinary proceedings.

4. In that view of the matter, this Court finds no error or infirmity in the impugned orders passed by the first respondent. Hence, both the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

jvm

To

1. Additional Chief Secretary to Government (FAC),
State of Tamilnadu,
Secretariat, Ezhilagam, Chennai.

2. Principal Secretary/Commissioner of
Treasuries & Accounts,
Chennai-25.

+2cc to M/s.S.Sankarasubramanian, Advocate sr.no.3058
+1cc to Government Pleader in sr.no.3373

W.P.Nos.916 and 917 of 2018

kp 03/02/2018

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