

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.35042 of 2004
and
MP.No.42282 of 2004

S.Shanmugasundaram

....Petitioner

-vs-

The Chairman, Common Cadre Authority/
Joint Registrar of Co-op Societies,
Erode Region, Erode District.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order of suspension of service of the petitioner passed by the respondent in his proceedings Na.Ka.No3/2004/E.Pa dated 22.11.2004 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.T.Girija
Government Advocate.

O R D E R

The order of suspension dated 22.11.2004 is under challenge in this writ petition. सत्यमेव जयते

2. The writ petitioner was employed as Secretary in the office of the 2nd respondent on account of initiation of disciplinary proceedings against the writ petitioner, he was placed under suspension. However, the writ petitioner was aged about 52 years at the time of filing of the present writ petition on 29.11.2004. Thus, he would have attained the age of superannuation during the year 2010. At the time of attaining the age of superannuation, the Competent Authorities are bound to pass a revised order for the purpose of relieving the writ petitioner. If the writ petitioner is to be placed under suspension, then his services ought to be extended by invoking the provisions of the fundamental rules. Thus, the original

suspension order does not exist after the age of retirement and a revised order is to be passed with reference to the rules.

3. If at all any grievances exist in respect of the revised order, if any passed at the time of retirement, it is left open to the writ petitioner to approach the Competent Authorities in the manner known to law. With these observations, the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Chairman, Common Cadre Authority/
Joint Registrar of Co-op Societies,
Erode Region, Erode District.

+1cc to M/S.C.Prakasam, Advocate Sr.88830
+1cc to the Government Pleader Sr.89471

W.P.No.35042 of 2004

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srg 11/01/2019

सत्यमेव जयते

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