

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28015 of 2005  
and  
W.M.P.No.30451 of 2005

P.Madesan

... Petitioner

..Vs..

District Forest Officer,  
Salem Division,  
Salem - 7.

...Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent made in S.O.No.14/2004/E1 (C.No.E1/972/2004) dated 30.01.2004 and quash the same as null and void, illegal and invalid and consequently directing the respondent to reinstate the petitioner in service with all attendant benefits apart from directing to regularise the suspension period as duty period.

For Petitioner : Mr.A.Amalraj

For Respondents: Mr.S.V.Vijay Prashanth  
Additional Government Pleader  
(Forest).

O R D E R

The order of suspension dated 30.01.2004, is under challenge in the present writ petition.

2. The impugned order issued by the District Forest Officer, states that the writ petitioner Thiru P.Madesan, Forest Guard, is placed under suspension on account of initiation of disciplinary proceedings against him based on the charges framed by Vigilance and Anti Corruption Special Cell in Crime No.2/AC/2004/SL/SU under Section 7 of the Prevention of Corruption Act, 1988 dated 29.01.2004.

3. Even at the time of filing of the present writ petition, the writ petitioner was aged about 49 years. Thus, he

would have reached the age of superannuation during the pendency of the writ petition. As per the rules of attaining the age of superannuation, more specifically, on the last date of the retirement, the Competent Authority has to pass order either relieving the writ petitioner without prejudice to the punishment and the disciplinary proceedings or once again placing him under suspension by extending his services under the provisions of the Fundamental Rules. Thus, a separate order would have been passed on the date of superannuation and therefore, the suspension order issued to the writ petitioner on 30.01.2004 deserves no further consideration at this length of time.

4. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

District Forest Officer,  
Salem Division,  
Salem - 7.

+lcc to Mr.A.Amalraj, Advocate Sr.87863

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W.P.No.28015 of 2005

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