

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.12.2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.28089 of 2005

P.Valliammal

... Petitioner

..Vs..

1. The Chief Executive Officer
Tamil Nadu Khadi and Villages
Industries Board,
Kuralagam, Chennai-108

2. The Tiruppur Timber and Blacksmithy
Workers Industrial Cooperative Society Ltd.,
Rep. By its Special Officer,
144, Kumaran Nagar,
Avinashi Road, Tiruppur,
Coimbatore District.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the order dated 22.08.2005 made in Rc.No.27473/E3 (2)/2004-5 passed by the 1st respondent and for quashing the same.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.T.Girija
Government Advocate (Co-op)

O R D E R

The order of suspension dated 22.08.2005 is under challenge in the present writ petition.

2. The impugned order of suspension states that an enquiry into grave charges against the writ petitioner was pending during the relevant point of time and accordingly, the writ petitioner was placed under suspension vide proceeding dated 22.08.2005. Challenging the said order of suspension, the present writ petition was filed.

3. Even at the time of filing of the writ petition, the petitioner was aged about 54 years, thus, she would have reached the age of superannuation during the year 2009 itself.

4. The Learned Government Advocate appearing on behalf of the respondents, brought to the notice of this Court that the writ petitioner continued in service, in view of the interim

stay granted by this Court, at the time of admitting the present writ petition.

5. However, on the date of retirement, the Competent Authorities ought to have issued a fresh order by invoking the Provisions of Fundamental Rules, otherwise the disciplinary proceedings initiated would have been completed. The Learned counsel for the Writ Petitioner is unable to get instructions and the facts with reference to the current status.

6. The Learned counsel appearing for the respondent is also unable to inform this Court in respect of the current status. The Learned counsel for the respondents states that inspite of the letter sent by her on 13.12.2018, no reply has been received from the office of the respondent.

7. In view of the fact that the writ petitioner has attained the age of superannuation the competent authority ought to have issued a fresh order, with reference to the Fundamental Rules and other Rules in force. This being the factum, no further adjudication needs to be entertained on merits in respect of the present Writ Petition. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ska/mrm

To,

1. The Chief Executive Officer
Tamil Nadu Khadi and Villages
Industries Board,
Kuralagam, Chennai-108
2. The Special Officer,
The Tiruppur Timber and Blacksmithy
Workers Industrial Cooperative Society Ltd.,
144, Kumaran Nagar,
Avinashi Road, Tiruppur,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.87922
+1cc to Mr.N.Manokaran, Advocate, S.R.No.87602

W.P.No.28089 of 2005

KK(CO)
rrs 24/01/2019