IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-09-2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.17134 of 2016
and
W.M.P.No.14591 of 2016

R.Vasudevan ... Petitioner

Vs

1. The Secretary to Government,
 Revenue Department,
 Secretariat,
 chennai - 600 009.

2. The Principal Secretary/
 Commissioner for Revenue Administration,
 Chepauk,
 Chennai - 5.

3. The District Collector,
 Ooty.

4. The Managing Director,
 Tamil Nadu State Marketing Corporation Limited,
 IV Floor, CMDA Tower II, Egmore,
 Chennai - 8. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling records relating to the first respondent in G.O.[2D]No.104 Revenue [Ser-2[3] Department, dated 31.03.16 and to quash the same and consequently quash the G.O.[2D] No.105 dated 31.03.16 thereby permitting the petitioner to retire from service on the date of the petitioner's superannuation on the afternoon of 31.03.16, and also direct the respondents to pay the retirement benefits with all attendant benefits.

For Petitioner : M/s.N.Rajan

For Respondents : M/s.A.Shrijayanthy
 Spl. Government Pleader

O R D E R

The order of suspension issued to the writ petitioner on the eve of his retirement is under challenge in this writ petition. In W.P.No.11636 of 2016, the very same petitioner Mr. R.Vasudevan challenged the charge memo and as on his date of superannuation, the charge memo was pending.

2. The writ petitioner was placed under suspension on account of the pending disciplinary proceedings. This being the factum, there is no infirmity in respect of the order of suspension issued on the last day of the retirement and the writ petitioner is entitled for the relief only after the conclusion of the disciplinary proceedings initiated by the respondents under the Discipline and Appeal Rules.

3. If the writ petitioner is allowed to retired during the pendency of disciplinary proceedings, then it may not be possible to settle all the terminal and pensionary benefits. Further the disciplinary proceedings are pending for more than 2 ½ years, thus the authorities competent are bound to proceed with the enquiry and conclude the same as early as possible and by affording opportunity to the writ petitioner. In this view of the matter, the order of suspension cannot be construed as infirm and the same stands confirm.

4. Accordingly the writ petition stands dismissed. There shall be no order as to costs. Consequently connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pkn

To
1. The Secretary to Government,
Revenue Department,
Secretariat,
chennai - 600 009.

2. The Principal Secretary/
Commissioner for Revenue Administration,
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Chennai - 5.

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+1 cc to The Government Pleader, SR.No.67427

W.P.No.17134 of 2016
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RSV(CO)
CSL/24.10.2018