

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5805 of 2018

R.Raguraman
Regional Transport Officer
(Under Suspension)
No.30, Durgai Amman Koil Street,
Tiruvannamalai - 606 601.

..Petitioner

... Vs ...

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Home (Transport-II) Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Principal Secretary / Transport Commissioner,
Chepauk, Chennai - 600 005.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 08.06.2016 pending with the respondents and pass orders within a specified period of time.

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

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ORDER

This writ petition has been filed seeking mandamus directing the respondents to consider the petitioner's representation dated 08.06.2016 pending for a long time within a specified time limit.

2. Learned counsel appearing for the petitioner submitted that the petitioner, who is a Senior Citizen aged about 77 years, after serving in the post of Assistant Motor Vehicles

Inspector from 05.11.1965 in the Transport Department with promotion to the post of Motor Vehicles Inspector Grade-I on 30.04.1971 and further promotion to the post of Regional Transport Officer on 04.10.1985, suffered an order of suspension on 02.06.1988 in connection with a criminal case registered in C.C.No.13 of 1988 which is also taken up for trial by the learned Principal Sessions Judge, Chennai, and after committal, it was numbered as C.C.No.22 of 1997 on the file of the XI Additional Special Court for CBI Cases, Chennai. Taking note of the long pendency of the criminal case, the order of suspension was revoked based on the order passed by the Tamil Nadu Administrative Tribunal vide G.O. (D) No.411, Home (Tr.II) Department, dated 17.05.1993 and the petitioner was also reinstated in service with effect from 09.03.1993 and subsequently, posted as Regional Transport Officer in Nagapattinam. Subsequently, he has reached the age of superannuation on 31.01.1999 but he was not allowed to retire from service and he faced again suspension and not allowed to retire from service, in view of the pendency of the criminal case. Finally, the learned XI Additional CBI Court, Chennai, after completing the trial, passed an order on 29.01.2016 acquitting the petitioner from all charges. As against the said order of acquittal, the respondents Department did not file any appeal. Further, since there is no departmental proceedings initiated, they should pass a final order permitting the petitioner to retire from service.

3. Learned counsel appearing for the petitioner further submitted that one of the co-accused viz., Mr.D.Nedunchezhan, who was working as Assistant Engineer / Motor Vehicles and who also faced similar charge, was placed under suspension and after the order of acquittal passed by the criminal Court, his suspension was revoked on 09.08.2017 and he was also allowed to retire from service by the first respondent.

4. It is at this stage, this Court directed the learned Special Government Pleader to take instruction as to whether any criminal appeal has been filed and why the order of suspension passed against the petitioner has not been revoked like the order passed in favour of Mr.D.Nedunchezhan, who was also co-accused.

5. After taking written instruction and placing the same on record, the learned Special Government Pleader submitted that since there is no other criminal case pending against the petitioner, a recommendation has been made to revoke the order of suspension in respect of the petitioner and other similarly placed persons. Therefore, when there is already a recommendation, the respondents are directed to pass suitable order relieving the petitioner within a period of two weeks from

the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Jr1

To

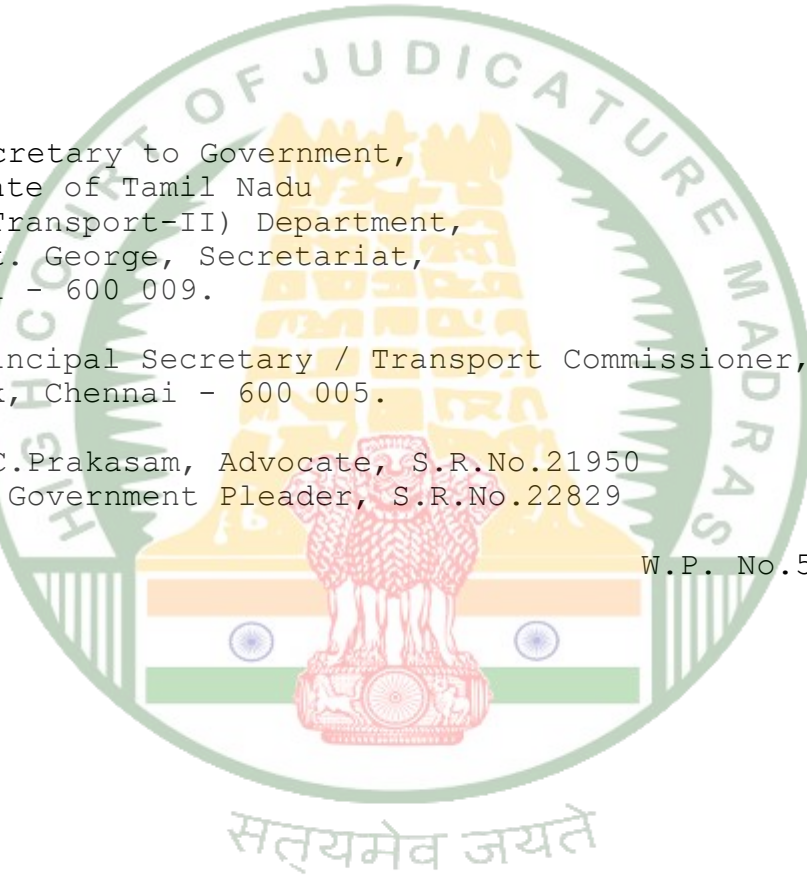
1. The Secretary to Government,
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Home (Transport-II) Department,
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2. The Principal Secretary / Transport Commissioner,
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+1cc to Mr.C.Prakasam, Advocate, S.R.No.21950

+1cc to the Government Pleader, S.R.No.22829

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CS/10/04/18



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