

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.881 of 2017
and
C.M.P.No.12507 of 2017

- 1 P.T.Lee. Chengalvaraya Naicker
Trust Rep by its Secretary
P.T.Lee. Chengalvaraya Naicker Trust
Vepery Chennai 600 007
- 2 The Principal
P.T.Lee. C.N. Polytechnic College
Vepery Chennai 600 007. Appellants
- Versus
- 1 D.Subramaniam
2 The Commissioner of Technical Education
Guindy Chennai 600 025 Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 12.6.2017 passed in W.P.No.28007 of 2015 on the file of this court.

Petition praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or Direction in the nature of a Writ, to call for the records connected with the 2 impugned bearing order No. 673/A3/2015 dated 23.6.2015 on the file of the 2nd respondent and to quash the same and direct the 2nd respondent to consequently forward necessary pension and reemployment papers to the authorities concerned the 3rd respondent herein.

For appellants : Mr.M.R.Jothi Manian
For R1 : Mr.Naveenkumar Murthi
For R2 : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ appeal has been filed by the Management of the College challenging the order passed by the learned Single Judge in allowing the writ petition in part.

3. It appears that the first respondent herein, who was a Lecturer (Selection Grade) in the second appellant College, was kept under suspension by order dated 23.6.2015 passed by the second respondent, when he was due to retire from service on 31.10.2015 alleging that it is on administrative grounds. The same was challenged before the learned Single Judge. The learned Single Judge, while entertaining the writ petition, granted interim relief and based on the same, the first respondent herein was permitted to join duty on 11.9.2015 and subsequently, by proceedings dated 21.12.2015 of the Chairman, Governing Council, he was permitted to retire from service on the due date of his superannuation viz., 31.10.2015, of course, the disciplinary proceedings pending against him was directed to be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978. It further appears that the learned Single Judge, having found that the Chairman of the Governing Council had opined that the Trust Board has no power to suspend the employees of the College, allowed the writ petition in part and thereby quashed the order of suspension. Insofar as the initiation of the disciplinary proceedings, the learned Single Judge, taking into consideration of the stand of the learned Special Government Pleader that invocation of Rule 9 of the Tamil Nadu Pension Rules is impermissible in the absence of any specific averments levelled in the charge memo as to the cause of loss on account of misdeeds and misconduct, observed that the Governing Council shall consider the same and pass appropriate orders within a period of four weeks.

4. Admittedly, wayback in the year 2015 itself, the first respondent herein had been superannuated and liberty was given to the Governing Council to take a decision in the light of the submission of the learned Government Pleader and such order had been passed by the learned Single Judge in June 2017 itself. Further, it appears that the disciplinary proceedings has been concluded and therefore, it is ripe for taking a decision in accordance with law. In our view, no order adverse to the interest of the disciplinary authority is passed by the learned Single. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

ssk.

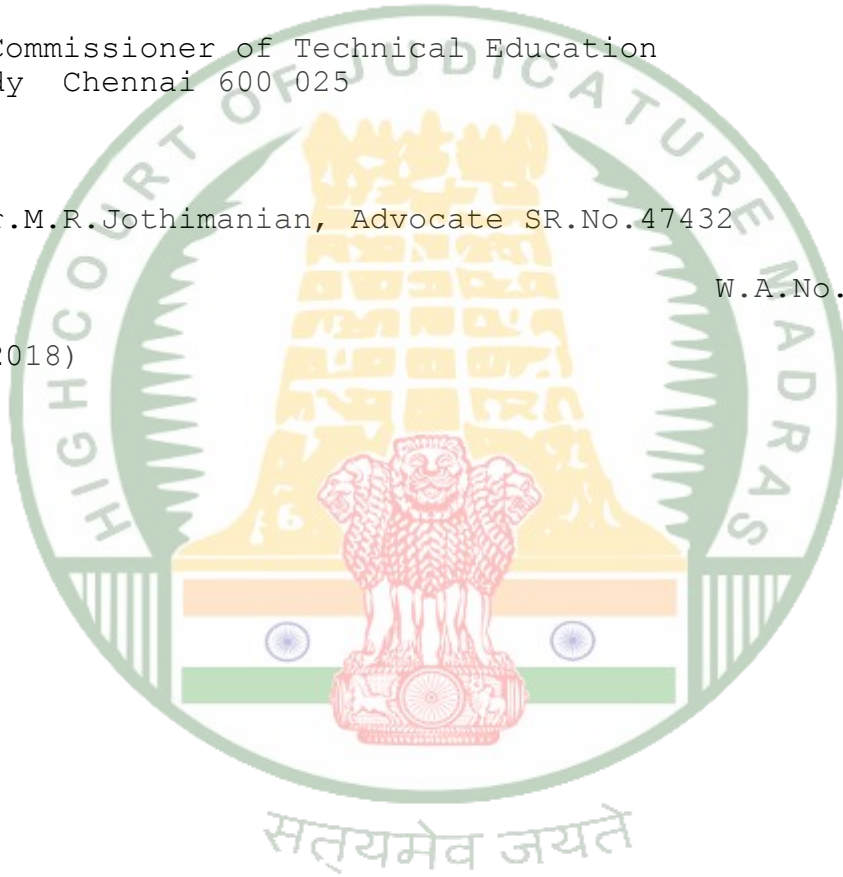
To:

- 1 The Secretary ,
P.T.Lee. Chengalvaraya Naicker
Trust
P.T.Lee. Chengalvaraya Naicker Trust
Vepery Chennai 600 007
- 2 The Principal
P.T.Lee. C.N. Polytechnic College
Vepery Chennai 600 007.
- 3 The Commissioner of Technical Education
Guindy Chennai 600 025

+1cc to Mr.M.R.Jothimanian, Advocate SR.No.47432

W.A.No.881 of 2017

SSI(CO)
GN(10/08/2018)



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