

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.24396 of 2018
and
W.M.P.No.28407 and 28408 of 2018

B. Vijayakumar

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Rural Development and Panchayat
Raj (E2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Rural Development and
Panchayat Raj (E2) Department,
Panagal Building, Saidapet,
Chennai - 600 015.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned proceeding issued by the first respondent in G.O.(D) No.560 of Rural Development and Panchayat Raj (E2) Department dated 30.11.2015 and the subsequent proceeding issued by the first respondent in G.O.(D) No.562 Rural Development and Panchayat Raj (E2) Department dated 30.11.2015 and to quash the same and consequently, to direct the respondents to allow the petitioner to retire from service from the post of Assistant Executive Engineer as on the date of retirement on 30.11.2015 with all consequential benefits and retirement benefits including payment of regular pension within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.Thanga Vadhana Balakrishnan
Additional Government Pleader

O R D E R

Heard, Mr.G.Sankaran, the learned counsel appearing for the petitioner and Mrs.Thanga Vadhana Balakrishnan, learned Additional Government Pleader, who accepts notice on behalf of the respondents With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. As it appears from the averment made in the Writ Petition that the petitioner, while working as Assistant Executive Engineer under the second respondent, was put under suspension in contemplation of an enquiry in a departmental proceeding for alleged misappropriation of money, which was on the very date of his superannuation, and as such, was not allowed to retire from service. Eventhough the petitioner, in the meanwhile, has made representation through proper channel requesting the respondents to proceed with the proceeding and finalise the same at an early date, no communication on the same is received. Since more than 21 months have elapsed from the date of his superannuation and the matter having not been finalised, he came to file this Writ Petition seeking a direction to quash the order of suspension and directing the respondents to allow him to retire from service, so also, release all the consequential retiral benefits.

3. However, during the course of hearing on admission, it being submitted by the learned counsel appearing for the petitioner that though the petitioner has sought for a larger relief, it would suffice, if the respondents are directed to respond to the representation of the petitioner and intimate the stage, in which, contemplation of disciplinary proceeding is there and also to conclude the same within a specified period.

4. In response, the learned Additional Government Pleader appearing for the respondents submits that, since it is not known at what stage, the contemplated disciplinary proceeding is there, it would not be proper on the part of this Court without seeking reply affidavit to give such direction as sought for by the petitioner, but, it is fairly submitted by her that the respondents will respond to the representation of the petitioner and intimate the petitioner with regard to the stage of the contemplated disciplinary proceeding against him, if it not already intimated to him.

5. Regard being had to the aforesaid facts and submissions made, especially, the nature of relief now sought for by the learned counsel appearing for the petitioner at the time of admission, therefore, this Court dispose of this Writ Petition

without seeking reply affidavit with a direction to the respondents to respond to the representation of the petitioner within a period of four weeks from the date of receipt of a copy of this order by intimating him about the status of the contemplated disciplinary proceeding and also take all effective steps, if any disciplinary proceeding is pending, for disposal of the same, in accordance with law as expeditiously as possible, inasmuch as, the petitioner was not allowed to retire in view of the contemplated disciplinary proceeding against him by putting him under suspension under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

6. With the aforesaid order, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

sd

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Rural Development and Panchayat
Raj (E2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Rural Development and
Panchayat Raj (E2) Department,
Panagal Building, Saidapet,
Chennai - 600 015.

+1cc to M/s.G.Sankaran, Advocate SR.NO.64808

+1cc to Government Pleader SR.NO.64993

GP(CO)

sm:9.10.2018

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