

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.366 of 2010
and M.P.No.1 of 2010

M.Panneerselvam ... Appellant

Vs.

1.The District Collector
Thiruvarur District.

2.The Revenue Divisional Officer
R.D.O. Office
Mannargudi Taluk
Thiruvarur District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 05.02.2010 made in W.P.No.2081 of 2010 on the file of this Court. Writ petition is filed 226 of the constitution of India praying for the issue of a writ of certiorarified Mandamus to call for the records from the 2nd respondent pertaining to the impugned suspension order R.C.A1/562/2009 dt 29.1.2010 and its consequential order No.R.C.A1/562/2009 dt 31.1.2010 passed by the 2nd respondent and quash the same and consequently to direct the respondents to permit the petitioner to retire with provide all necessary retirement benefits including pension.

For Appellant : Mr.P.Vijendran

For Respondents: Mrs.A.Sri Jayanthi

Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The appellant functioned as Village Administrative Officer. He was due to retire on attaining the age of superannuation on 31 January, 2010. The Revenue Divisional Officer, Thiruvarur District suspended the appellant from service by order dated 29 January, 2010. He was not permitted to retire from service and to that effect, order was passed on 31 January, 2010. Those two

orders were challenged before the writ court in W.P.No.2081 of 2010. The writ petition was dismissed. The said order is under challenge in this intra court appeal.

2. When the appeal came up for hearing on 10 March, 2010, the Division Bench was pleased to pass an order directing the respondents to settle the service benefits of the appellant after retaining a sum of Rs.68,438/-.

3. The learned counsel for the appellant fairly submitted that pursuant to the order dated 10 March, 2010, the respondents have disbursed the benefits payable to the appellant retaining a sum of Rs.68,438/-. The learned counsel for the appellant is not pressing for the relief claimed in the writ petition in W.P.No.2081 of 2010. According to the learned counsel, the appellant would be satisfied in case outer time limit is fixed for conclusion of the disciplinary proceedings.

4. The challenge in the writ petition was to the order suspending the appellant from service and the consequential order not permitting him to retire from service. The appellant received the entire benefits, except a sum of Rs..68,438/-, pursuant to the order dated 10 March, 2010. The disciplinary authority is yet to issue charge memo to the appellant. Thereafter, enquiry requires to be conducted. We are, therefore, of the view that reasonable time should be fixed for conclusion of the entire proceedings.

5. We direct the respondents to conclude the entire disciplinary proceedings as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this judgment. We make it clear that no extension of time would be granted at any cost and the enquiry should be concluded within the time indicated above.

The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The District Collector
Thiruvarur District.

2.The Revenue Divisional Officer
R.D.O. Office, Mannargudi Taluk
Thiruvarur District.

+ 1 cc to Mr. P. Vijendran, Advocate Sr.21799
+ 1 cc to Government pleader Sr.22305

W.A.No.366 of 2010

KJI (CO)
EU(18/04/2018)



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