

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15430 of 2018

P.Jeyarani

... Petitioner

vs

1.The Secretary to the Government
Social Welfare and Nutritious Noon Meal
Programme Department
Chief Secretariat, Chennai - 600 009.

2.The Director of Social Welfare
Office of the Commissioner of Social Welfare
Panagal Building 2nd Floor,
Saidapet, Chennai - 600 015.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to pass final order pursuant to report of commissioner of Tribunal for Disciplinary proceedings in TDP No.10/2012/2013/A1 dated 31.03.2016 with in time frame to enable the petitioner for retirement on account of her attainment of age of superannuation.

For Petitioner : Mr.N.Sundaresan

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondent to pass final order pursuant to report of commissioner of Tribunal for Disciplinary proceedings in TDP No.10/2012/2013/A1 dated 31.03.2016 within a time frame to enable the petitioner for retirement on account of her attainment of age of superannuation.

2. The case of the petitioner is that the petitioner while working as District Social Welfare Officer, Tanjore, the anticorruption department of Tamilnadu Police inspected his office on 07.02.2013. On such inspection, they made search of the petitioner and other staff as well as their seat and belongings. During such search an amount of Rs.2,530/- which belongs to the petitioner and kept in her personal bag, was recovered. However, the anticorruption police registered a criminal case against him under the Prevention of Corruption Act by lodging a report and investigated the matter but submitted final report, dropping the charges leaving it to the department to proceed against the petitioner departmentally. Accordingly, the department initiated action before the Tribunal in T.D.O.P.No.10/2013. The Tribunal conducted enquiry and concluded the proceedings and gave a enquiry report on 31.03.2016. Based on the report of the Commissioner of Tribunal, the first respondent in letter dated 16.12.2016 asked the petitioner to give additional explanation. Accordingly, the petitioner gave his explanation on 05.01.2017 and the same has been received by the first respondent. In spite of giving additional explanation as early in 5th January 2017, the first respondent had not passed any final order despite the fact that the superannuation of the petitioner falls on 30.04.2018. It is his further case that just three days prior to his retirement, by a Government Order dated 27.04.2018, the petitioner was served with an order placing him under suspension with immediate effect. Thereafter, the first respondent by another order in G.O.(20) No.06 dated 30.04.2018, not permitting the petitioner to retire. Hence, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. The learned counsel for the petitioner would submit that though the petitioner submitted his additional explanation as early as on 05.01.2017, the first respondent has not passed any final orders till date. Due to which the petitioner was placed under suspension and was not permitted to retire.

4. Despite notice being accepted on behalf of the respondents, no counter affidavit has been filed by the respondents till date. However, counsel for the respondent would submit that departmental proceeding being pending, the petitioner has no case.

5. Be that as it may, since the petitioner, a employee and has already reached the age of superannuation but not allowed to retire on the date of superannuation and he has in this regard made a representation to take a decision on the departmental proceeding against him, this Court directs the authority concerned i.e., Second respondent to take a decision on the

same, without being influenced by the recommendation of the Vigilance Department in any manner, in this regard, within a period of three weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arr

To

1.The Secretary to the Government
Social Welfare and Nutritious Noon Meal
Programme Department
Chief Secretariat, Chennai - 600 009.

2.The Director of Social Welfare
Office of the Commissioner of Social Welfare
Panagal Building 2nd Floor,
Saidapet, Chennai - 600 015.

+1cc to Mr.N.Sundareshan, Advocate, S.R.No.55450

+1cc to the Government Pleader, S.R.No.55674

WP.No.15430 of 2018

KS(CO)
GSP(31/08/2018)

सत्यमेव जयते

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