



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P(MD)No.4401 of 2013

E.Piramanayagam

... Petitioner

Vs.

1. The Director of Collegiate Education,
College Road, Nubgambakkam,
Chennai - 600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.
3. Ambai Arts College,
Represented by its Secretary,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to permit the petitioner to retire from the services and to disburse all terminal benefits.

For Petitioner : Mr.M.Saravanan
For Respondents 1 & 2 : Mr.M.Muthu,
Additional Government Pleader.
For Respondent 3 : Mr.M.Jerin Mathew

ORDER

The relief sought for in this writ petition is for a direction to direct the 3rd respondent to permit the petitioner to retire from service and to disburse all the terminal benefits.

2. It is brought to the notice of this Court that the writ petitioner had attained the age of superannuation on 31.10.2012. However, the writ petitioner was not allowed to retire from service, on account of the pendency of the disciplinary proceedings against him. It is needless to state that an employee, who is facing the departmental disciplinary proceedings, need not be allowed to retire from service and all the terminal and pensionary benefits as applicable are to be paid only in



accordance with the rules in force. However, the fact remains that the disciplinary proceedings are pending against the writ petitioner and all the settlements are to be made only after the conclusion of the departmental disciplinary proceedings initiated against the writ petitioner.

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3. The learned counsel for the writ petitioner states that the respondents are not proceeding with the departmental disciplinary proceedings and kept pending the same for long years. This Court is of an opinion that the disciplinary proceedings initiated against the employees are to be concluded as early as possible, without causing any undue delay. Long delay in concluding the disciplinary proceedings will cause prejudice to the rights of the employees. In the present case, the writ petitioner was not allowed to retire from service and therefore, he is deprived of his pensionary benefits.

4. Thus, it is duty mandatory on the part of the respondents to ensure that the disciplinary proceedings, against the writ petitioner is concluded within a reasonable period of time. Therefore, the respondents are directed to proceed with the enquiry proceedings in respect of the writ petitioner and conclude the same within a period of four months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
College Road, Nubgambakkam,
Chennai - 600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

+ 1 cc TO Mr.M.E.Ilango , Advocate in SR No. 57190
+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 47089
+ 1 cc TO The Special Government Pleader in SR No. 57257

dsk

AE/SKN RSK/SAR1/06.04.2018/2P/6C