

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14225 OF 2004

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondent in initiating the enquiry by Memorandum No. QPER/D-Cell/Peronl/SCR/278/02, dated 30.4.2004 and Order No.QPER/D-CELL/Peronl/SCR/278/02, dated 26.7.2004 and consequently to direct the respondents not to conduct departmental enquiry pursuant to Memorandum No.QPER/D-CELL/Peronl/SCR/278/02, dated 30.4.2004 and Order No. QPER/D-CELLI/Peronl/SCR/ 278/02, dated 26.7.2004.

It is contended by the petitioner that he was initially appointed as a Clerk in the year 1979 in the respondent-Port. After getting several promotions, finally he had been promoted as Labour Officer in the year 1992. While he was working as such, he had been placed under suspension by Order, dated 20.6.2000. Charge sheet had been filed against him and he was caught red handed by the ACB officials for demanding and accepting Rs. 10,000/- which led to institution of Criminal Case in C.C.No.2 of 2001. He had been acquitted in the said Criminal Case. It is further contended that when once the Criminal Case had been disposed of acquitting him, there cannot be any departmental enquiry on the same charges.

Learned counsel for the petitioner would contend that the departmental enquiry had been initiated on the very same set of charges where the Criminal Case has been ended in acquittal. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner would contend that this Court *vide* orders dated 11.8.2004 granted interim stay and subsequently, the said orders had been extended on 1.12.2004. During the pendency of the writ petition, the petitioner retired from service and all retirement benefits including pension are being paid to the petitioner regularly. In view of the same, the departmental action shall be dropped against the petitioner.

Learned Standing Counsel for the respondent would contend that since the petitioner retired from service and all the retirement benefits including pension had been already extended to the petitioner, the respondent does not intend to pursue the departmental proceedings.

This Court having considered the rival submissions of the parties, is of the considered view that since the petitioner retired from service and the respondent do not want to continue the departmental proceedings, no further orders are necessary in this writ petition.

Accordingly, the writ petition is closed.

Miscellaneous petitions, pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12/09/2018

Slk

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Dated:12.9.2018

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