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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.16266 of 2019
& WMP. Nos.15966 & 15967 of 2019

K.Rajendran

.. Petitioner

Vs.

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

2.The Director,
Directorate of Rural Development and Panchayat Raj
Department,
Office at Saidapet,
Chennai -600 015.

3.The District Collector,
Villupuram District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records which culminated in passing the order in G.O.(D) No.73, Rural Development and Panchayat Raj(E-2) Department dated 28.03.2019 suspending the petitioner from service and the subsequent order of the first respondent issued in G.O.(2D) No.49, Rural Development and Panchayat Raj(E-2) Department dated 29.03.2019 not allowing the petitioner to retire from service, quash both the orders and consequently direct the respondents to disburse all the terminal benefits due to the petitioner from the date of his retirement within a time limit as stipulated by this Court.

For Petitioner .. Mr.R.Ramesh

For Respondents .. Mr.J.Pothiraj, Spl G.P. for RR1 to 3



ORDER

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This is a case where vide G.O.(D) No. 73, Rural Development and Panchayat Raj(E-2) Department dated 28.03.2019, the petitioner came to be suspended, two days prior to date of his retirement, while he was working as Personal Assistant to the District Collector (Noon Meal Programme).

2. On 29.03.2019, the Government passed G.O.(2D) No.49, Rural Development and Panchayat Raj (E-2) Department, not allowing the petitioner to retire from service on the ground of contemplation of enquiry into grave charges. Both the order of suspension and the order not allowing the petitioner to retire from service, are the subject matter of challenge in this writ petition.

3. From the grounds and the issues raised in the writ petition, it could be seen that no case is made out for interference of this Court at this stage when the impugned orders are passed pending contemplation of grave charges to be framed against the petitioner, the petitioner cannot successfully maintain challenge to the impugned orders as it would mean that this Court would be pre-judging the issue in favour of the petitioner without knowing what are all the charges that are going to be framed against the petitioner. Such a course to be adopted by this Court is not in public interest and in any event, the writ petition appears to be too pre-mature for this Court to interfere with the impugned orders.

4. Even otherwise, there are no grounds made out in the writ petition for this Court to interfere with the suspension order, which itself was passed only on 28.03.2019. In such circumstances, the writ petition is not maintainable and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj (E2) Department,
Fort St George, Chennai- 600 009.
- 2.The Director,
Directorate of Rural Development and Panchayat Raj
Department,
Office at Saidapet,
Chennai -600 015.
- 3.The District Collector,
Villupuram District.

+1cc to Mr.E.Manikandan, Advocate sr.48702
+1cc to Government Pleader sr.49127

W.P.No.16266 of 2019

br(co)
nr 13/08/2019