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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15921 of 2019

And

W.M.P.No.15727 of 2019

K.M.V.Manivannan

... Petitioner

Vs.

1.The Govt. of Tamil Nadu
rep by Additional Chief Secretary to the Government
Micro, Small and Medium Enterprises (EII(2)) Department
Fort St.George, Chennai - 9.

2.The Principal Secretary/
The Industries Commissioner and
Director of Industries & Commerce,
SIDCO Corporate Office Complex,
Guindy, Chennai - 32.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in relation to the proceedings issued in G.O.(2D) No.09, Micro, Small and Medium Enterprises (EII(2)) Department, dated 31.05.2019 and G.O.(2D) No.10, Micro, Small and Medium Enterprises (EII(2)) Department, dated 31.05.2019 by the first respondent and quash the same and issue a consequential direction to the respondents to treat the petitioner retired on 31.05.2019 on attaining the age of superannuation and to grant all terminal benefits including pension.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in relation to the proceedings issued in G.O.(2D) No.09, Micro, Small and Medium Enterprises (EII(2))



Department, dated 31.05.2019 and G.O.(2D) No.10, Micro, Small and Medium Enterprises (EII(2)) Department, dated 31.05.2019 by the first respondent and to quash the same and to issue consequential direction to the respondents to treat the petitioner retired on 31.05.2019 on attaining the age of superannuation and to grant all terminal benefits including pension.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner/ Additional Director of Industries and Commerce while attaining the age of superannuation on 31.05.2019 was not allowed to retire from service and was retained in service on extension of service under Rule 56(1)(c) of the Fundamental Rules on the ground that enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 is pending against the petitioner and the petitioner was placed under suspension. Hence, challenging the suspension order and the order retaining him in service, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act is not penal in nature and hence, the respondents have no power to place the petitioner under suspension and to retain him in service. He would further submit that the charges relates to the incident of the years 2007 - 2009, however, the suspension order was issued in the year 2019 and would further submit that this Court may issue direction to the respondents to conclude the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and other departmental proceedings and to pass appropriate orders within a stipulated time frame.

5.The learned Special Government Pleader appearing for the respondents would submit that the enquiry will be completed within a period of twelve weeks from the date of receipt of a copy of this order and would further submit that as per the outcome of the enquiry, appropriate orders will be passed.

6.Considering the submissions made on either side, this Court directs the respondents to complete the enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act and other departmental proceedings and to pass final orders within a period of six weeks from the date of receipt of a copy of this order.



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7.The writ petition is accordingly disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Secretary to the Government
Government of Tamil Nadu,
Micro, Small and Medium Enterprises (EII(2)) Department
Fort St.George, Chennai - 9.

2.The Principal Secretary/
The Industries Commissioner and
Director of Industries & Commerce,
SIDCO Corporate Office Complex,
Guindy, Chennai - 32.

+1 cc to M/s.R.Saseetharan,Advocate Sr.No. 97802

+1 cc to The Government Pleader Sr.No.98009

AKM/02.01.2020/3P-5C /

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