

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.2875 of 2018

M.Radhakrishnan

...Petitioner

Vs

- 1.The Chief Secretary to Government
St.George Fort,
Secretariat,
Chennai - 9.
 2. The Principal Secretary/Commissioner of Revenue Administration
Chepauk,
Chennai - 5.
 3. The Director,
Adi-Dravidar Welfare Department,
Chennai - 5.
 4. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Chennai - 10.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed in letter No.1288/A6/2014-7 dated 05.12.2016 on the file of the 1st respondent and rejecting petitioner request to revoke the suspension order passed in G.O.(2D) No.31 Public(Special.A) Department dated 28.12.2015 on the file of the 1st respondent and quash the same as illegal and consequently direct the first respondent to permit the petitioner to retire from service with effect from petitioner's superannuation dated 31.12.2015.

For Petitioner : M/s.K.Gandhi kumar
For Respondents : M/s.P.Rajalakshmi,
Additional Government Pleader,
for R1 to R3

Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R4.

O R D E R

The order of suspension as well as the rejection of the representation to revoke the order of suspension are under challenge in present writ petition.

2. The writ petitioner was working as District Revenue Officer and on account of certain serious allegations, the writ petitioner was placed under suspension on 28.12.2015 and the writ petitioner also attained the age of Superannuation. Even the petitioner was not allowed to retire from service and his services are extended in view of the order of suspension passed.

3. The learned counsel for the writ petitioner states that the petitioner attained the age of superannuation and on account of the prolonged disciplinary proceedings he is unable to get his terminal and retirement benefits.

4. This Court is of an opinion that the issues are in relation to the misappropriation of the Public Funds and the Department of Vigilance and Anti Corruption submitted a report based on which, actions were initiated by the disciplinary authorities.

5. This being the factum, and the writ petitioner attained the age of superannuation, it is not preferable to revoke the order of suspension, at this point of time. Thus, this Court is of an opinion that early disposal of the departmental disciplinary proceedings are certainly necessary.

6. On initiation of disciplinary proceedings, the competent authorities also must be Vigilant and conclude the same within a reasonable period time. Prolonged suspension and disciplinary proceedings certainly would cause prejudice to the interests of the employees also. Once the disciplinary proceedings are initiated, the said proceedings must be concluded in all respects without causing any undue delay.

7. In the present case, the Section Officer, Mr.R.Inbasekaran, Public Department, Secretariat, Chennai - 9, who is present before this Court and informed this Court that the Enquiry Officer has already been appointed and they will conclude the departmental disciplinary proceedings at the earliest point of time.

8. Under these circumstances, the respondents shall proceed with the departmental disciplinary proceedings, conclude the same and pass final orders as expeditiously as possible and preferably within a period of four months from the date of receipt of a copy of this order. The writ petitioner is directed to co-operate for the early disposal of the departmental disciplinary proceedings. In the event of non-cooperation on the

part of the writ petitioner, the same shall be recorded by the enquiry Officer as well as by the disciplinary authority in the proceedings itself.

9. With these directions, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

kak/kmm

To

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Chennai - 5.
 4. The Managing Director,
Tamilnadu Civil Supplies Corporation,
Chennai - 10.
- +1 CC to Mr. L. P. Shanmugasundaram, Advocate sr 11992.
+1 CC to Govt. Pleader sr 11811.
+1 CC to Mr. K. Gandhi Kumar, Advocate sr 11155.

सत्यमेव जयते

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SP(15/03/2019)