

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25240 of 2019

and

W.M.P.Nos.24809 to 24811 of 2019

T.Kalavathy

..Petitioner

-vs-

1.The State of Tamil Nadu represented by its Secretary to Government Social Welfare and Noon Meal Programme Department Fort St. George Chennai-600 009.

2.The Commissioner of Social Welfare Chennai-600 015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in her proceedings No.19773/Admn 5-1/2019, dated 28.06.2019 and also in her proceedings No.19773/Admn 5-1/2019 dated 28.06.2019, quash the same and direct the respondents to permit the petitioner to retire from service with all service and monetary benefits.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

Writ Petition is filed challenging the order of suspension and order of not permitting the petitioner to retire from service and consequently, directing the respondents to permit the petitioner to retire from service with all service and monetary benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The case of the petitioner is that the petitioner served

as a Social Welfare Extension Officer and she was due for retirement on 30.06.2019. Unfortunately, the 2nd respondent by impugned orders dated 28.06.2019 suspended the petitioner from service and not allowed her to retire by invoking Section 56(1) (c) of the Fundamental Rules, on the ground that she was involved in the criminal case in Crime No.4/2016/AC/TPR under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act. Challenging the impugned orders of the 2nd respondent dated 28.06.2019, the petitioner has come out with the present writ petition.

4. Learned counsel for the petitioner submitted that the petitioner is not an accused either in the criminal case under the Prevention of Corruption Act or any other offences. In fact, the Deputy Superintendent of Police, Vigilance and Anti-Corruption Cell, Tirupur, summoned the petitioner for investigation only. Accordingly, the petitioner had attended the enquiry and produced all the relevant records to the concerned officer. Without properly verifying that the petitioner is only a witness and not an accused in the said criminal case, the 2nd respondent has come to the conclusion that the petitioner was involved in the criminal case and suspended the petitioner and retained her service, which is unsustainable in law.

5. Learned counsel for the petitioner further submitted that this Court need not interfere with the orders passed by the 2nd respondent. However, he prays that permission may be granted to the petitioner to appear before the 2nd respondent along with the relevant documents. If the 2nd respondent on the basis of the documents produced by the petitioner, satisfies that the petitioner was not involved in any such offence, they may review the impugned orders, fix time for conducting enquiry and dispose of the same within the stipulated time.

6. The learned Government Advocate appearing for the respondents submitted that this Court may issue a direction to the petitioner to appear before the 2nd respondent for enquiry and also permit the 2nd respondent to call for records from the Vigilance Department to ascertain whether the petitioner is involved in the criminal case or not.

7. Considering the above facts and circumstances of the case, this Court hereby directs the petitioner to make a representation to the 2nd respondent for affording an opportunity of personal hearing to her within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to fix enquiry within a period of two weeks thereafter. Based on the enquiry conducted, the 1st and 2nd respondents shall pass appropriate

orders on merits and in accordance with law, within a period of six weeks thereafter.

8. The writ petition stands disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The State of Tamil Nadu represented by its Secretary to Government Social Welfare and Noon Meal Programme Department Fort St. George Chennai-600 009.

2.The Commissioner of Social Welfare Chennai-600 015.

+1cc to Mr.S.Selvathirumurugan, Advocate, SR.No.79537

+1cc to the Govt.Pleader, Vide Sr.No.79335

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Kak(22/10/2019)

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