

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26334 of 2019

and

W.M.P.Nos.25685 and 25687 of 2019

V.Anbazhagan

.. Petitioner

Vs.

The District Collector,
Cuddalore District,
Cuddalore-607 001.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned charge memos issued by the respondent in Na.Ka.No.PA1/4999/2019 dated 20.06.2019 and in Na.Ka.No.PA1/8861/2018 dated 20.06.2019 and consequential order of the respondent issued to the petitioner for the suspension in his proceedings Roc.No.PA1/2180/2019 dated 30.07.2019 and not permitted to retire on 31.07.2019 in his proceedings Roc.No.PA1/2180/2019 dated 31.07.2019 and quash the same and direct the respondent to permit the petitioner to retire on 31.07.2019 and sanction all terminal benefits.

For Petitioner : Mr.A.R.Nixon

For Respondent : Ms.M.Lalitha
Government Advocate

ORDER

This writ petition is filed seeking quashment of the impugned charge memos issued by the respondent in Na.Ka.No.PA1/4999/2019 dated 20.06.2019 and in Na.Ka.No.PA1/8861/2018 dated 20.06.2019 and consequential order of the respondent issued to the petitioner for the suspension in his proceedings Roc.No.PA1/2180/2019 dated 30.07.2019 and not permitted to retire on 31.07.2019 in his proceedings Roc.No.PA1/2180/2019 dated 31.07.2019.

2.The learned counsel for the petitioner submitted that the petitioner was appointed as a Junior Assistant on 16.12.1982 in Taluk Office (Revenue Department), Vanur. He lastly working as a Block Development Officer at Komaratchi in Cuddalore District. His date of retirement on superannuation is 31.07.2019. On 01.07.2019, two charge memos in proceedings Na.Ka.No. PA1/4999/2019 and Na.Ka.No.PA1/8661/2019 dated 20.06.2019, were issued to the petitioner. Following the charge memos, on 30.07.2019, the petitioner was placed under suspension vide proceedings in Roc.No.PA1/2180/2019 dated 30.07.2019 and he was not allowed to retire from service vide proceedings in Roc.No.PA1/2180/2019 dated 31.07.2019.

3.One charge memo is related to the irregularity occurred during the year 2014-2015 in Puliur Village Panchayat of Kurinjipadi Panchayat Union, regarding excess drawal of money from the Village Panchayat Fund by the former President of Puliur Village Panchayat, as sought for by the Block Development Officer of the panchayat, for the payment of bills to the beneficiaries for housing scheme under "Thane". Another charge memo is issued related to the irregularity occurred during the year 2014 - 2015 in Alapakkam Village Panchayat, regarding excess drawal of money from the Village Panchayat Fund by the former President of Alapakkam Village Panchayat, as sought for by the Block Development Officer of the panchayat, for the payment of bills to the beneficiaries for housing scheme under "Thane" and "Indira Awaaz Yojana".

4.The learned counsel for the petitioner further submitted that there were two more Block Development Officers are working in Kurinjipadi Panchayat Union for implementing the Special Housing Scheme under "Thane", as per order Na.Ka.No.PA1/4778/2013 dated 28.02.2014 and they were also assigned for the same duty and the petitioner only held responsible for the affairs. Hence, seeking quashment of the charge memos issued to the petitioner in Na.Ka.No. PA1/4999/2019 and in Na.Ka.No.PA1/8661/2018 dated 20.06.2019 and the suspension order in Roc.No.PA1/2180/2019 dated 30.07.2019 and also sanction of all terminal benefits, this writ petition came to be filed.

5.Considering the facts and circumstances of this case, pending the disciplinary proceedings, the petitioner was not allowed to retire from service thereby the authorities placed the petitioner under suspension and not permitted to retire and retain service and the said order dated 20.06.2019 was challenged before this Court. Admittedly, pending the disciplinary proceedings, no Government Servant is allowed to retire, unless, the disciplinary proceedings are completed in the manner known to law.

6.However, unless the disciplinary proceedings are concluded, the petitioner may not get any retirement benefits. In view of the above, this Court is inclined to issue a direction to the respondent to complete the disciplinary proceedings on the charge memos dated 20.06.2019 and pass appropriate orders within a period of six months from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CJ Conf)

True Copy

Sub-Assistant Registrar

pnn
To

The District Collector,
Cuddalore District,
Cuddalore-607 001.

+1 cc to M/s.A.R.Nixon Advocate sr77158
+1 cc to Government Pleader sr77764

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