

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29388 of 2019
and W.M.P.No.29229 of 2019

S.Kalaiselvan

..Petitioner

vs

1.The Principal Secretary
Municipal Administration and
Water Supply Department
Fort St. George, Chennai-9.

2.The Commissioner of Municipal Administration
75, Santhome High Road, Chennai-28.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of impugned proceedings in Letter No.4647/Naba2/2017-24, dated 20.08.2019 passed by the 1st respondent herein and quash the same and consequently direct the 1st and 2nd respondents to permit the petitioner to retire from service from 31.12.2015 AN onwards without any deduction in pension amount by awarding full pension and all other retirement benefits.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of impugned proceedings in Letter No.4647/Naba2/2017-24, dated 20.08.2019 passed by the 1st respondent herein, quash the same and consequently direct the 1st and 2nd respondents to permit the petitioner to retire from service from 31.12.2015 AN onwards without any deduction in pension amount by awarding full pension and all other retirement benefits.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the

respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, at the time of his retirement. After attaining superannuation, 2nd show cause notice was issued. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioner submitted that 2nd show cause notice was issued to the petitioner calling for explanation for imposing punishment and the petitioner has filed a detailed explanation and no objection letters from the various departments, where the petitioner worked earlier. However, without going into the merits of the case, it would suffice, if this Court permits the petitioner to make a further representation and directs the respondents to consider the same and pass appropriate orders within the reasonable time.

5. Learned Special Government Pleader appearing for the respondents would concede the request made by the learned counsel appearing for the petitioner.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby permits the petitioner to make a detailed explanation along with necessary documents so as to enable the 1st respondent to consider the same, within a period of one week from the date of receipt of a copy of this order. On receipt of such explanation, the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
सत्यमेव जयते

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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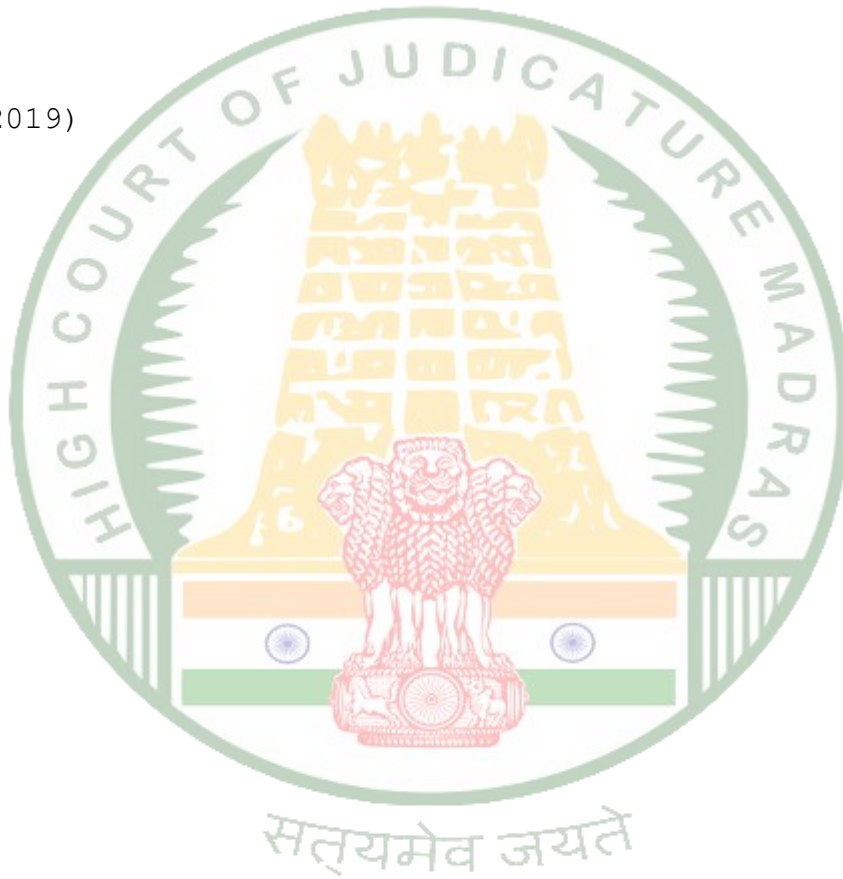
1. The Principal Secretary
Municipal Administration and
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+1 CC to Mr.T.Sundaravadanam, Advocate sr 86013.
+1 CC to The Govt. Pleader sr 86479.

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BS (CO)
SP(03/12/2019)



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