



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32348 of 2019

and

W.MP.No.32348 of 2019

- 1 M.Ramachandran ... Petitioner
Vs
1 The Director
Rural Development and Panchayat Raj
Department, Panagal Building,
Saidapet, Chennai.
2 The District Collector,
Udagamandalam, Nilgiris District.
3 The Block Development Officer,
Udagamandalam, Nilgiris District. ..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings passed by the 1st respondent in Proc. No. 101410/ 2017/ VC 11-2 dated 31.10.2019 and quash the same as illegal and unlawful and consequently direct the 1st respondent to pay all the monetary and other attendant benefits.

For Petitioner : Mr.M.Ramachandran
For Respondents : Mrs. R.Janaki, AGP For R1 and R2
: Mr.V.Prabhu for R3

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings passed by the 1st respondent in Proc. No. 101410/ 2017/ VC 11-2 dated 31.10.2019 and quash the same as illegal and unlawful and consequently direct the 1st respondent to pay all the monetary and other attendant benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the R1 and R2 and the learned counsel appearing for R3.



3.The case of the petitioner is that he was initially appointed as Office Assistant in the Rural Development Department, Nilgiris, in the year 1991 and thereafter he was promoted as Deputy Block Development Officer (MGNR EGS) in the year 2017. While he was working as such on 17.10.2017, the officials of Vigilance and Anti Corruption has conducted a surprise visit in the working place of the petitioner and found that the petitioner was in possession of Rs.4,000/- and thereafter a case in Cr.No.1/2017/AC/NI was registered by the Vigilance and Anti Corruption Department against the petitioner for the offence under Section 13(1)(e) of the Prevention and Corruption Act. Thereafter the petitioner was transferred from Panchayat Union, Nilgiris to Madurai District and later on 21.01.2010 the petitioner was issued with a charge memo to which, the petitioner has also submitted his explanation refuting the charges levelled against him. While so, the petitioner attained the age of superannuation on 31.10.2019. However, without permitting the petitioner to go on superannuation, the first respondent vide proceedings dated 31.10.2019, impugned in the writ petition, placed the petitioner under suspension from service. Challenging the same, the petitioner has come forward with the present writ petition.

4.The learned counsel for the petitioner would contend that the impugned proceedings of he first respondent placing the petitioner under suspension at the fag end of the day on which the petitioner reached the age of superannuation, is illegal and cannot be sustained. He would also contend that without giving any opportunity or show cause notice, the first respondent has straight away passed the impugned order placing the petitioner on under the suspension on the last day is in violation of principles of nature of justice. Therefore the same is liable to be set aside.

5.The learned Government Pleader appearing for the respondents would submit that the petitioner has been involved in a corruption case and against him a criminal case has been registered by the Department of Vigilance and Anti Corruption and it is pending and based on this the first respondent has rightly passed impugned orders under Rule 17(3) of the Tamil Nadu Services (Discipline and Appeal) Rules and therefore, no interference is required. Hence he seeks dismissal of the writ petition.

6.Considering the facts and circumstance of the case and the submissions made by either side and in view of the fact that the petitioner has been involved in a corruption case and as already departmental proceedings were initiated in which the petitioner



has also given his explanation, this Court feels it appropriate to direct the respondents to expedite the departmental proceedings as expeditiously as possible since the petitioner has already attained the age of superannuation as early as on 31.10.2019. Accordingly the respondents are directed to proceed with the departmental proceedings initiated against the petitioner and conclude the same within a period of six months in accordance with law and after giving sufficient opportunity to the petitioner, from the date of receipt of a copy of this order. The petitioner is also directed to cooperate with the enquiry.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

jrs
To

- 1 The Director
Rural Development and Panchayat Raj
Department, Panagal Building,
Saidapet, Chennai.
- 2 The District Collector,
Udagamandalam, Nilgiris District.
- 3 The Block Development Officer,
Udagamandalam, Nilgiris District.

+1 CC to Mr.R. Chandrasekaran, Advocate sr 96091.
+1 CC to The Govt. Pleader sr 96088.

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BS(CO)
SP(16/12/2019)