

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.29511 of 2018
and
WMP.No.34478 of 2018

S.Prem Kumar

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Rural Development & Panchayat Raj,
Secretariat, Chennai-9.

2. The Director of Rural Development &
Panchayat Raj,
Chennai-15.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the 1st respondent herein to pass appropriate orders regularizing the period of suspension from 21.01.2010 till 08.02.2012 as duty period for all purposes and to grant all consequential benefits and to direct the 1st respondent to issue appropriate directions to the 2nd respondent regarding dropping of further course of action against the petitioner in the light of G.O.(D) No.430, Rural Development & Panchayat Raj (E2) Department dated 26.08.2012 and G.O.(D) No.100, Rural Development & Panchayat Raj (E1) Department dated 03.03.2016, all within a limited time frame and grant him all consequential service and monetary benefits.

For Petitioner

:M/s.M.Ravi

For Respondents 1 & 2 : Mr.A.N.Thambi Durai,
Spl.Govt. Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to pass appropriate orders regularizing the period of suspension from 21.01.2010 till 08.02.2012 as duty period for the purposes and to grant all consequential benefits and to direct the 1st respondent to issue appropriate directions to the 2nd respondent regarding dropping of further course of action against the petitioner in the light of G.O.(D) No.430, Rural Development & Panchayat Raj (E2) Department dated 26.08.2012 and G.O.(D) No.100, Rural Development & Panchayat Raj (E1) Department dated 03.03.2016 and grant him all consequential service and monetary benefits.

2. The Special Government Pleader appearing on behalf of the respondent states that, the very relief sought for in the present writ petition to regulate the period of suspension can be considered only after the conclusion of the departmental disciplinary proceedings against the writ petitioner. The departmental disciplinary proceedings are still pending and therefore, the Competent Authorities are not empowered to regulate the period of suspension during the pendency of the disciplinary proceedings.

3. The learned counsel for the writ petitioner also is unable to dispute the fact that the departmental disciplinary proceedings are pending. This being the factum, the claim of the writ petitioner to regulate the period of suspension shall be considered only after the passing of the final order in the disciplinary proceedings or it can be considered at the time of passing final order in disciplinary proceedings as the case may be. This being the factum, the relief as such sought for in the present writ petition cannot be granted and the Competent Authorities are empowered to regulate the period of suspension at the time of passing of the final order or after the conclusion of the departmental disciplinary proceedings.

4. With these clarifications, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Pkn

To

1. The Additional Chief Secretary to Government
Government of Tamil Nadu,
Rural Development & Panchayat Raj,
Secretariat, Chennai-9.
2. The Director of Rural Development &
Panchayat Raj,
Chennai-15.

+1cc to Mr.M.Ravi, Advocate SR.No.20187

+1cc to Government Pleader, High Court, Madras SR.No.20518

W.P.No.29511 of 2018

SJ(CO)
GMY(25/03/2019)



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