



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20397 of 2019

and

W.M.P(MD)Nos.17050, 17051 & 17052 of 2019

WEB COPY

K.Paulraj

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of (*)**School** Education,
Fort St. George, Chennai - 600 009.

2.The Director of (*)**School** Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

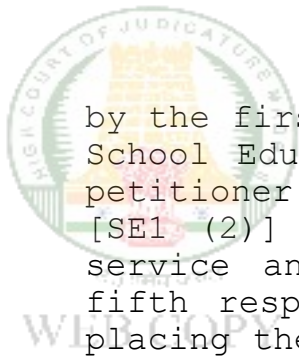
5.The Principal,
District Teacher Education and Training Institute,
Munanchipatti Post - 627 855,
Tirunelveli District.

6.The Accountant General (A & E),
Office of the Accountant General (A & E),
361, Anna Salai, Teynampet, Chennai - 600 018.

7.The Correspondent,
Concordia Higher Secondary School,
Valliyoar - 627 117,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Charge Memo issued by the second respondent Director in Na.Ka.No.7477/A1/E5/2019-2 dated 03.06.2019 and the consequential impugned Government Orders issued



by the first respondent the Principal Secretary in G.O.(1D) No.221 - School Education (SE1 (2)) Department dated 24.06.2019 placing the petitioner under suspension and G.O.(1D) No.230 - School Education [SE1 (2)] Department dated 29.06.2019 retaining the petitioner in service and the consequential impugned proceedings issued by the fifth respondent Principal in Na.Ka.No.312/A/2019 dated 26.06.2019 placing the petitioner under suspension with effect from 26.06.2019, quash the same and further direct the respondents herein to allow the petitioner to retire from service on superannuation on 30.06.2019 AN with all attendant benefits including pension, gratuity, provident fund and other terminal benefits without delay.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For RR 1 to 5 : Mr.A.Thiyagarajan,
Government Advocate.

For R - 6 : Mr.P.Gunasekaran

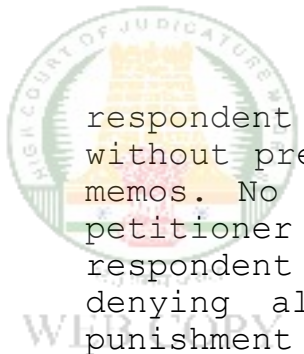
ORDER

This Writ Petition is filed seeking for a Writ of Certiorarified Mandamus, to quash the charge memo issued by the second respondent, dated 03.06.2019, the consequential Government Orders passed by the first respondent and the impugned proceedings issued by the fifth respondent, dated 26.06.2019 and further to direct the respondents to allow the petitioner to retire from service on superannuation on 30.06.2019 with all attendant benefits.

2.Mr.A.Thiyagarajan, learned Government Advocate accepts notice on behalf of the respondents 1 to 5 and Mr.P.Gunasekaran, learned counsel accepts notice on behalf of the sixth respondent. In view of the limited scope of the relief sought for in the present writ petition by the petitioner and no adverse order is going to be passed in the present writ petition against the seventh respondent, notice to the seventh respondent is dispensed with.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, while he was working as Personal Assistant to the District Educational Officer, the second respondent issued a charge-memo, dated 03.06.2019, containing 10 charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and granted 15 days time to submit his explanation. Even before submitting his explanation, the second respondent issued another charge-memo, dated 12.06.2019, containing three charges under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner gave a representation to the second



respondent on 18.06.2019 to permit him to retire from service, without prejudice to the pending enquiry in connection with charge-memos. No order was passed on the said representation. Hence, the petitioner again submitted a detailed explanation to the second respondent on 24.06.2019 with regard to the second charge-memo denying all the charges, but the second respondent imposed a punishment of censure on the petitioner. The first respondent by the impugned Government Order in G.O.(1D)No.221, School Education [SE1(2)] Department, dated 24.06.2019, placed the petitioner under suspension with immediate effect until further orders. Further, the first respondent by Government Order in G.O.(1D)No.230, School Education [SE1(2)] Department, dated 29.06.2019, retaining the petitioner in service until the enquiry into charges pending against him are concluded and final orders are passed thereon by the competent authority. The petitioner gave a representation to the fifth respondent on 03.07.2019 requesting to sanction and disburse the Provident Fund amount to the tune of Rs.5,95,527/- (Rupees Five Lakhs Ninety Five Thousand Five Hundred and Twenty Seven only) and the same was sanctioned to him on 19.08.2019.

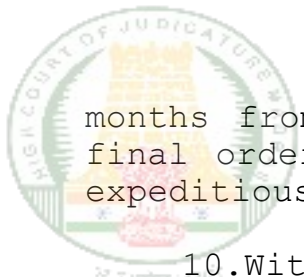
5.The learned counsel appearing for the petitioner contended that the petitioner was working only as a Personal Assistant to the District Educational Officer and he is not the authority to grant the approval. Therefore, the charges levelled against the petitioner are baseless and are liable to be quashed. The learned counsel appearing for the petitioner further submitted that since the first respondent has suspended the petitioner at the verge of retirement of the petitioner, the order retaining him in service till the enquiry is concluded and failure to pay terminal benefits, is contrary and unreasonable and therefore, prayed for allowing the Writ Petition.

6.The learned Government Advocate, who has accepted notice for the respondents 1 to 5, submitted that the charges levelled against the petitioner under the said Rules are pending and therefore, suspending the petitioner and not allowing him to retire from service are valid and legal and unless the enquiry is concluded, the petitioner is not entitled for any terminal benefits and prayed for dismissal of the Writ Petition.

7.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

8.From the materials placed on record, it is seen that the petitioner has submitted his explanation to the charge-memo dated 18.06.2019.

9.Considering the materials placed on record, this Court, without deciding the rival contentions, directs the second respondent to include the domestic enquiry within a period of six months.



months from the date of receipt of a copy of this order and pass final orders on the same on merits and in accordance with law, as expeditiously as possible.

10. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

**(*)The "Cuase Titile" Portion
and "To Address" Portions are
amended as per order dt.26.11.2019
by VMVJ in WP(MD)20367 of 2019
under the caption of "Being
Mentioned"**

Sd/-

Assistant Registrar(CS-III)

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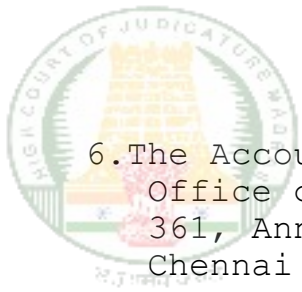
Sub Assistant Registrar (CS)

ps

To

**To be substituted in the place of order already despatched on
16.10.2019**

- 1.The Secretary,
Rep. by its Secretary,
Department of **(*)School** Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of **(*)School** Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
- 5.The Principal,
District Teacher Education and Training Institute,
Munanchipatti Post - 627 855, Tirunelveli District.



6.The Accountant General (A & E),
Office of the Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

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+1 CC to M/s.SGP (SR-88859[F] dated 24/09/2019)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-88751,**10869**

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-89291[F] dated
25/09/2019)

W.P (MD) No.20397 of 2019
23.09.2019

JM/11.10.2019/4P/10C
KM(11.12.2019) 5P/10C