

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition Nos.11360 and 11362 of 2020 and
W.M.P.Nos. 13851 and 13853 of 2020

R.Sundar Bhaskar

... Petitioner in both WPs

-Vs-

- 1.The Additional Chief Secretary to Government
Rural Development and Panchayat Raj (E2)
Department, Secretariat, Chennai 600 009.
- 2.The Collector
Krishnagiri District.
- 3.The Director Rural Development & Panchayat Raj
Panagal Building Saidapet, Chennai 600 015.

... Respondents in both the W.Ps.

Prayer in WP 11360/2020 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 2nd respondent in RoC.No.15699/2019/K1 dated 28.11.2019 and quash the same.

Prayer in WP 11362/2020 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 2nd respondent in RoC.No.15699/2019/K1 dated 29.11.2019 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

For Mr.Adithya Reddy

For Respondents : Mr.V.Kathirvelu

Special Government Pleader

O R D E R

The petitioner was appointed as a Junior Assistant in 1989 and was promoted as Block Development Officer in 2015. He was due for retirement on 30.11.2019. According to the petitioner,

during his tenure he had not come under any audit objections or faced any vigilance complaints in discharge of his duties.

2. On the eve of his retirement, the second respondent placed the petitioner under suspension vide Proceedings dated 28.11.2019. The suspension order states that the petitioner had committed serious irregularities during installation of Awareness Boards under the Component Waste Management Scheme under the "Swacch Bharat (Gramin) Mission" Scheme for the year 2017 in Shoolagiri Block.

3. According to the petitioner, he was not functioning as Block Development Officer in Shoolagiri Block on 01.01.2017 and he was posted to the said Block only on 02.05.2017. Therefore, he was unnecessarily charged with the act of misconduct which has no basis at all. On the basis of certain factual averments, the suspension order is put to challenge in this writ petition.

4. Notice was ordered and Mr.V.Kathirvelu, learned Special Government Pleader has entered appearance on behalf of the respondents.

5. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner has been enjoying blemishless service throughout and unfortunately, on the eve of his retirement he was placed under suspension on the basis of certain allegations which are absolutely baseless and unfounded. He would also submit that in view of placing him under suspension not allowing him to retire, the petitioner has been deprived of his pensionary benefits and if there is going to be any inordinate delay in completion of the disciplinary proceedings as contemplated against him, the petitioner and his family would be put to untold hardship and suffering.

6. According to the learned counsel for the petitioner, the petitioner had valid explanation against the allegations and he is quite sure that he would come out unscathed and that if disciplinary action is set in motion and concluded at an early date, he could be relieved of the charges and the pensionary benefits are paid to him. In the said circumstances, the learned counsel would request this Court to direct to complete the disciplinary action within a reasonable time to be stipulated by this Court.

7. Learned Special Government Pleader would submit that he has no objection if such direction is issued and would only request this Court to grant reasonable time particularly during this pandemic days for completion of the disciplinary enquiry against the petitioner.

8. Considering the request of the learned counsel, particularly that the petitioner has a valid defence against the allegation made against him, the writ petitions are disposed of as under.

(i) The respondent competent authority is directed to initiate and complete the disciplinary proceedings against the petitioner by following due process of law within a period of six months from the date of receipt of a copy of this order.

(ii) The authority shall ensure that the time stipulated above would be strictly adhered to since the petitioner had already attained the age of superannuation as on 30.11.2019 and he was not allowed to retire by the proceedings of the second respondent dated 29.11.2019.

9. The writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Additional Chief Secretary to Government
Rural Development and Panchayat Raj (E2)
Department, Secretariat, Chennai 600 009.

2.The Collector
Krishnagiri District.

3.The Director Rural Development & Panchayat Raj
Panagal Building Saidapet, Chennai 600 015.

W.P.Nos.11360 &
11362 of 2020

NRJK(CO)
RMP(01/10/2020)