



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2021**

CORAM

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD) .No.12265 of 2016

and

W.M.P. (MD) .Nos.9351 & 9352 of 2016

K.Sivamani

.. Petitioner

Vs.

The Pay & Accounts Officer,
Madurai District,
Madurai.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records of the impugned order in Rc.No.13909/2013/Admn1/U3 dated 30.04.2013 issued by the respondent suspending the petitioner from service and the consequential order vide proceedings Rc.No.13909/2013/Admn1/U3 dated 30.04.2013 issued by the respondent and quash the same as illegal.

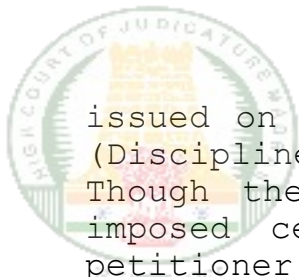
For Petitioner : Mr.C.Arul Vadivel alias Sekar

For Respondent : Mr.D.Muruganantham
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order of suspension dated 30.04.2013 passed by the respondent and the consequential order passed on the same day, through which the petitioner was not permitted to retire from service.

2. The case of the petitioner is that while the petitioner was working as Junior Assistant in Usilampatti Sub Treasury, he was implicated in a criminal case along with three other persons in Crime No.25/2001 for the offences under Sections 403, 409, 468 and 420 IPC., on the file of the District Crime Branch, Madurai, wherein the petitioner was arrayed as A3. After completion of enquiry, charge sheet was filed on 16.12.2005 and the same was taken on file by the learned Judicial Magistrate No.I, Madurai in C.C.No.327/2005 for the offences under Sections 409, 420, 465, 466, 468, 471 r/w.120 (b) IPC and the same is still pending without any further progress. In the meanwhile for the very same occurrence, a charge memo was



issued on 18.11.2010 under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, after 9 years of the filing of FIR. Though the petitioner submitted his explanation, the respondent imposed censure of punishment on 29.12.2010. Subsequently, the petitioner was suspended from service vide proceedings dated 30.04.2013 under 17(e)(1)(ii) of of Tamil Nadu Civil Services (Discipline and Appeal) Rules and vide further proceedings, dated 30.04.2013, the petitioner was not permitted to retire from service on reaching the date of superannuation under Rule 56(1)(c) of the Fundamental Rules. Challenging the same, the petitioner filed this writ petition.

3. The learned counsel for the petitioner would submit that during the pendency of the criminal case, charge memo was issued to the petitioner. Hence, it would be suffice, if this Court issues a direction to the respondent to settle the terminal benefits after the disposal of the criminal case.

4. The learned Additional Government Pleader appearing for the respondent would submit that for the purpose of maintaining the employer-employee relationship, the proceedings under Rule 56(1)(c) of the Fundamental Rules, was issued by the respondent. He would further submit that depending upon the verdict of the criminal case, terminal benefits will be settled to the petitioner.

5. Considering the facts and circumstances of the case, admittedly, the criminal case is still pending against the petitioner and for the purpose of maintaining the employer-employee relationship, the proceedings, under Rule 56(1)(c) of the Fundamental Rules, was issued to the petitioner to retain his services. Hence, I do not find any irregularity or illegality in the orders impugned in this writ petition. Hence, this writ petition deserves to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed. However, the respondent is directed to settle the terminal benefits depending upon the verdict of the criminal case. However, liberty is given to the petitioner to make a fresh representation, after the disposal of the criminal case, for getting his retirement benefits.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Pay & Accounts Officer,
Madurai District,
Madurai.

+1 CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate (SR-5554[F] dated 17/02/2021)

+1 CC to SPL GP (SR-5633[F] dated 17/02/2021)

**W.P(MD) .No.12265 of 2016
16.02.2021**

VB (18.03.2021) 3P 4C