



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.12830 and 11279 of 2016

and

W.M.P. (MD) .Nos.9700 and 9701 of 2016

and

W.M.P. (MD) .Nos.8631 to 8633 and 12140 of 2016

W.P. (MD)No.12830 of 2016:

S.Mahadevan

... Petitioner

Vs.

1.The Secretary to Government,
Home (Transport-II) Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Transport,
'Ezhilagam', Chennai-5.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in connection with the impugned order passed by him in G.O.(2D).No.345 Home (Transport-II) Department, dated 24.06.2016 and G.O.Ms.No.501, Home (Transport II) Department, dated 30.06.2016 and quash the same and direct the respondents to superannuate the petitioner from service and settle all his retirement benefits within a reasonable time.

For Petitioner	: Mr.P.T.S.Narendra Vasan
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader

W.P. (MD)No.11279 of 2016:

S.Mahadevan

... Petitioner

Vs.

1.The Secretary to Government,
Home (Transport-II) Department,
Fort St.George,
Chennai-9.



2.The Commissioner of Transport,
'Ezhilagam', Chennai-5.

3.The Deputy Transport Commissioner,
Virudhunagar Zone,
Virudhunagar.

4.The Regional Transport Officer,
Virudhunagar.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned orders passed by the first respondent in in G.O.(D).No.435 Home (Transport-II) Department, dated 20.05.2016 and Letter No.26784/Tr.II/2014-6 dated 20.05.2016 and by the third respondent in Memo No.686/A3/2014, dated 13.06.2016 and to quash the same and direct the respondents to accept the order of the fourth respondent issued in and by his proceedings No.27033/A2/2012 dated 08.11.2013 and exonerate the petitioner from the charges and consequently allow the petitioner to superannuate from service and grant him all service and monetary benefits.

For Petitioner : Mr.T.Ayngaraprabhu

For Respondents : Mr.M.Muthugeethayan,
Special Government Pleader

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, these writ petitions are disposed of by way of common order.

2. These writ petitions have been filed challenging the proceedings of the first respondent dated 20.05.2016, 24.6.2016 and 30.06.2016 and the proceedings of the third respondent dated 13.06.2016 and for a direction to the respondents to allow the petitioner to superannuate from service and grant him all service and monetary benefits within a reasonable time.

3. The case of the petitioner in these writ petitions is that the petitioner entered into service as Junior Assistant in the Transport Department on 06.02.1978 and he reached the post of Regional Transport Officer in the year 2014. While he was working as P.A. to the Regional Transport Officer, a charge memo was issued against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal), Rules on 14.06.2012. Thereafter, the petitioner submitted his explanation on 19.01.2012 denying the charges and the authorities concerned, being convinced with the



explanation submitted by the petitioner, exonerated the petitioner from the charges on 08.11.2013. After exoneration of charges, the petitioner was promoted as Regional Transport Officer by virtue of merit and seniority on 10.01.2014 and has been serving meritoriously since then due for superannuation on 30.06.2016. Be that as it may, based on the impugned order of the first respondent dated 20.05.2016 and the directions in the letter of the second respondent dated 20.05.2016, the Deputy Transport Commissioner, Virudhunagar, issued charge memo against three persons including the petitioner on 13.06.2016 under 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal), Rules, containing as many as 7 charges and thereafter, based on the charge memo, the petitioner was placed under suspension by the impugned order dated 24.06.2016 and he is not permitted to retire from service, thereby retained in service under Rule 56(1)(c) of Fundamental Rules by the impugned order dated 30.06.2016, whereby the petitioner was kept under suspension pending disposal of the disciplinary proceedings.

4. The learned counsel for the petitioner would submit that at the time of retirement, the authorities issued another charge memo for the very same lapses, which was exonerated already and retained him in service without allowing to retire from service till the disposal of the disciplinary proceedings. Hence, it would be suffice, if a direction is issued to the respondents to complete the disciplinary proceedings pending against the petitioner within a reasonable time as fixed by this Court.

5. The learned Additional Government Pleader has no serious objection for considering the request of the petitioner.

6. Considering the limited request made by the petitioner and also the submission made by the learned Additional Government Pleader, without going to the merits of the case, this Court is inclined to direct the respondents to consider the petitioner's request. Accordingly, the first respondent shall conclude the disciplinary proceedings pending against the petitioner, on merits and in accordance with law, within a period of six(6) months from the date of receipt of a copy of this order.

7. With the above directions, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

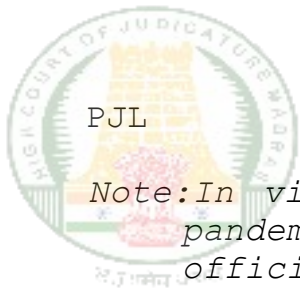
Sd/-

Assistant Registrar (CS-I)

// 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

1.The Secretary to Government,
Home (Transport-II) Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Transport,
'Ezhilagam', Chennai-5.

3.The Deputy Transport Commissioner,
Virudhunagar Zone,
Virudhunagar.

4.The Regional Transport Officer,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-5663,5928[F] dated 17/02/2021)

+1cc to M/s. Veera Associate, Advocate Sr.No.5520

**W.P. (MD) .Nos.12830 and 11279 of 2016
16.02.2021**

VB (05.03.2021) 4P 7C