



WEB COPY

W.P.No. 14619 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 14619 of 2019

R. Kalaiarasi

... Petitioner

Vs

1. Tamilnadu Khadi and Village Industries Board,
Represented by its Chief Executive Officer,
Kuralagam, Chennai – 600 108.

2. The Assistant Director,
Khadi and Village Industries,
Salem District.

3. The Regional Deputy Director,
Khadi and Village Industries,
Tirupur 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 on the file of the first first respondent in proceedings memo in OO.MU.No.2089/E2(6)/2019 dated 21.03.2019 and quash the same and consequently direct the respondents to relive the petitioner as deemed to have voluntarily retired from service with effect from 12.05.2019 and direct the respondents to settle all terminal benefits and pending salary within the reasonable time as fixed by this Court.



For Petitioner : Mr. C.B. Muralikrishnan

For Respondents : Mr. S.K. Bose,
for the first respondent

No appearance for respondents 2 &

3

ORDER

The claim of the writ petitioner for voluntarily retirement was rejected. Thus the petitioner has challenged the said order and for a direction to allow him to retire from service voluntarily.

2. The learned counsel for the respondent brought to the notice of this Court that the petitioner remained unauthorizedly absent and the departmental disciplinary proceedings were initiated and a charge memo was issued to the writ petitioner. An enquiry was conducted and the final order is yet to be passed. Pendency of a departmental disciplinary proceedings is a bar for considering the V.R.S. application. In other words, an employee who is facing disciplinary proceedings is not entitled to claim voluntarily retirement. Therefore, the departmental disciplinary proceedings are to be disposed of and only thereafter the application submitted by the writ petitioner is to be considered.



3. In the present case, the charge memo has already been issued and the enquiry proceedings are in progress. This being the factum, the respondents are directed to continue with the departmental disciplinary proceedings and conclude the same and pass final orders, as expeditiously as possible, within a period of four months and thereafter the request of the writ petitioner may be considered in accordance with the rules in force. The writ petition stands disposed of. No costs.

01.12.2022

Index : Yes / No
Speaking order / Non-Speaking order
mrn

To

1. The Chief Executive Officer,
Tamilnadu Khadi and Village Industries Board,
Kuralagam, Chennai – 600 108.
2. The Assistant Director,
Khadi and Village Industries,
Salem District.
3. The Regional Deputy Director,
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S.M.SUBRAMANIAM, J.

mrn

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