



W.P.No.16521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.16521 of 2022

and

W.M.P.No.15810 of 2022

A.Venkatesan

... Petitioner

VS.

1.The Principal Secretary to Government,
Rural Development and Panchayat Raj (E1) Department,
Fort St. George, Chennai – 9.

2.The District Collector,
Panchayat Development,
Kancheepuram District,
Kancheepuram.

3.The District Collector,
Panchayat Development,
Chengalpattu District,
Chengalpattu.

4.The Director of Rural Development and
Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai – 15.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents not to suspend the Petitioner from service on reaching the age of superannuation



W.P.No.16521 of 2022

and further direct the Respondents to superannuate the Petitioner from service on 30.06.2022, notwithstanding and without reference to the charge memo proceedings issued by the 2nd Respondent in Na.Ka. No.1939/2022/Pa.Aa1 dated 10.06.2022, Na.Ka.No.5806/2022/Pa.Aa1 dated 11.06.2022 and by the 3rd Respondent in Na.Ka.No.1587/2022/Pa.Aa1 dated 15.06.2022 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.P.Jegan Inbarajan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents not to suspend the petitioner from service on reaching the age of superannuation and further direct the respondents to superannuate the petitioner from service on 30.06.2022, notwithstanding and without reference to the charge memo proceedings issued by the 2nd respondent in Na.Ka. No.1939/2022/Pa.Aa1 dated 10.06.2022, Na.Ka.No.5806/2022/Pa.Aa1 dated 11.06.2022 and by the 3rd respondent in Na.Ka.No.1587/2022/Pa.Aa1 dated 15.06.2022 and grant him all consequential service and monetary benefits.



W.P.No.16521 of 2022

2. *Prima facie*, this Court is not inclined to entertain the aforesaid prayer as sought for by the petitioner in the instant writ petition by anticipating not to take further action by the respondents-Department.

3. At this stage, the learned Standing Counsel appearing for the respondents would fairly submit that the petitioner is going to retire from service on attaining the age of superannuation on 30.06.2022. He further submitted that there is no legal impediment to conclude the said proceedings as early as possible. Therefore, this Court may pass an appropriate order by directing the respondents to conclude the said disciplinary proceedings pending against the petitioner, within the time as stipulated by this Court.

4. According to the petitioner, there is no Vigilance and Anti Corruption case is pending against him, only based on the audit objection, the said charge memos have been framed. Therefore, there is no legal impediment for the department to conclude the Disciplinary Proceedings within the stipulated period as granted by this Court. Therefore, the request of the petitioner may be considered by this Court by taking note of the fact that the petitioner is going to retire from service on attaining the age of superannuation on



W.P.No.16521 of 2022

30.06.2022. The petitioner also undertakes that he would cooperate to conclude the said disciplinary proceedings.

5. Accepting the above said submissions made by the parties, this Court is inclined to direct the 1st respondent to conclude the Disciplinary Proceedings in Na.Ka. No.1939/2022/Pa.Aa1 dated 10.06.2022, Na.Ka.No.5806/2022/Pa.Aa1 dated 11.06.2022 and Na.Ka.No.1587/2022/Pa.Aa1 dated 15.06.2022 pending against the petitioner, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall cooperate for concluding the said disciplinary proceedings.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No
Speaking Order : Yes / No
dm



W.P.No.16521 of 2022

To

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W.P.No.16521 of 2022

D.KRISHNAKUMAR. J

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W.P.No.16521 of 2022

29.06.2022