

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20385 of 2014
and M.P.Nos.1 of 2014
& 1 of 2015

P.Rajendran

... Petitioner

Vs

1.The Director of Town Panchayat,
Kuralagam, Chennai - 600 108.

2.The District Collector,
Salem District, Salem.

3.The Executive Officer,
P.N.Patty Selection Grade Town Panchayat,
Mettur Dam, Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent in Pro.Na.Ka.No.1274/2014/P dated 30.05.2014, to quash the same and to issue consequential directions to the respondents to declare that the petitioner shall be deemed to have retired on 31.05.2014 without any condition and with entitlement to pensionary and retirement benefits and to disburse the same within a time frame to be fixed by this Court.

For Petitioner : M/s.Vilasini
for Mr.M.Ravi

For Respondents: Mr.L.S.M.Hasa Fizal
Additional Government Pleader

O R D E R

The order dated 30.05.2014 not allowing the writ petitioner to retire from service on attaining the age of superannuation on 31.05.2014 is under challenge in the present writ petition.

2.The writ petitioner was working as Junior Assistant and the departmental disciplinary proceedings were initiated against

the writ petitioner and he was placed under suspension. He challenged the order of suspension in O.A.No.2504/2003 and pursuant to the orders of the Tribunal, the petitioner was re-instated in service. The petitioner was not allowed to retire from service on attaining the age of superannuation on the ground that criminal case registered against the writ petitioner in Spl.C.C.No.43/2003 on the file of the learned Chief Judicial Magistrate, Salem was pending during the relevant point of time. After constitution of Special Court for Vigilance cases at Salem, the case was re-numbered as C.C.No.17 of 2014.

3.In view of the fact that criminal case was pending during the relevant point of time, the petitioner was not allowed to retire from service and this Court do not find any infirmity in respect of the decision taken by the authorities for passing the order impugned. A public servant facing a criminal proceedings cannot be allowed to retire under the Service Rules in force and only after the disposal of the criminal case and the departmental disciplinary proceedings, suitable orders are to be passed in accordance with the procedures contemplated and based on the rules in force.

4.With this clarification, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

cse
To

- 1.The Director of Town Panchayat,
Kuralagam, Chennai - 600 108.
- 2.The District Collector,
Salem District, Salem.
- 3.The Executive Officer,
P.N.Patty Selection Grade Town Panchayat,
Mettur Dam, Salem District.

+1cc to Mr.N.Srinivasan, Advocate SR.No.39399

+1cc to Government Pleader SR.No.39657

W.P.No.20385 of 2014

PMK(CO)
GMY(12/07/2022)