



W.P.No.35026 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.35026 of 2014
and M.P.No.1 of 2014

1.M.Uma Maheswari (Deceased)

2.Vedagiri

3.Sri Kaviya

4.Gayathri

[P2 to P4 substituted as Lrs of deceased sole
petitioner vide order dated 04.08.2022 made
in WMP.20384/2021 in W.P.7786/2015 by
SMSJ]

...Petitioners

Vs.

1.The Secretary to
Government of Tamil Nadu,
Social Welfare Department,
Fort St. George,
Madras-600 009.

2.The Commissioner of Social Welfare,
Chintadripet,
Chennai-600 002.

3.The District Project Officer,
Social Welfare Department,
Vellore.

4.The Child Development Project Officer,
Kaveripakkam,
Vellore District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the second respondent in Proc.No.46080 Admn-5-1/2014 dated 12.12.2014 and quash the same.

For Petitioners : Mr.S.Mohan

For Respondents : Mr.P.Ganesan, AGP

ORDER

The petitioners 2 to 4 herein are the legal heirs of the deceased first petitioner. In contemplation of certain enquiry into grave charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the late employee was placed under suspension by the second respondent through the impugned order dated 12.12.2014. Challenging the order of suspension, the present Writ Petition has been filed.

2. Heard Mr.S.Mohan, learned counsel appearing for the petitioners and Mr.P.Ganesan, learned Additional Government Pleader for the respondents.



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3. It is now brought to the notice of this Court that after the order of suspension, the charges came to be framed and an inquiry has also been conducted. Through an inquiry report dated 29.06.2016, all the charges against the deceased first petitioner herein were held to be as "not proved". No further orders have been passed by the respondents thereafter. By taking into consideration of the fact that enquiry was concluded and the charges have also not been proved against the deceased first petitioner, it would be appropriate for this Court to direct the Disciplinary Authority to pass further orders in the matter. However, the order of suspension has abated, in view of the death of the employee/first petitioner herein and the respondents also claim to have passed an order to this effect on 20.10.2021.

4. Accordingly, there shall be a direction to the second respondent herein to forthwith pass appropriate orders to enable the legal heirs of the deceased first petitioner, namely, the petitioners 2 to 4 herein to receive the Death cum Retirement Gratuity benefits, which order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above direction, the Writ Petition stands disposed of accordingly. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

26.10.2022

Index:Yes/No

Internet:Yes/No

Order : Speaking /Non-speaking

DP



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To

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M.S.RAMESH,J.

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