



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.19766 of 2021

and

W.M.P.No.21041 of 2021

A.Prabhakaran

... Petitioner

vs.

1. The Additional Chief Secretary to Government,
Highways & Minor Ports (HL.1) Department,
Secretariat, Chennai - 600 009.
2. The Director General,
Highways Department,
Chennai - 600 025.
3. The Accountant General (A&E),
Teynampet, Chennai - 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent herein in G.O.(3D) No.42, Highways and Minor Ports (HL.1) Department dated 29.11.2016 placing the petitioner under suspension and the consequential order passed by the first respondent herein in G.O.(3D) No.43, Highways and Minor Ports (HL.1) Department dated 30.11.2016 not permitting the petitioner to retire from service with effect from 30.11.2016 and quash the same and consequently direct the respondents herein to pay the petitioner his retirement benefits such as Pension, Death-cum-Retirement Gratuity, General Provident Fund, Commutation of Pension, Leave Salary, Encashment of Earned Leave and all other retirement benefits with 10% interest from 01.12.2016 till the date of actual payment and consequently direct the first respondent herein to promote the petitioner as Assistant Divisional Engineer from 26.06.2006 and Divisional Engineer from 15.07.2015, the date of promotion of immediate junior, with all consequential service and retirement benefits.



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For Petitioner : Mr.Prem Narayan
for Mr.Ravi Shanmugam

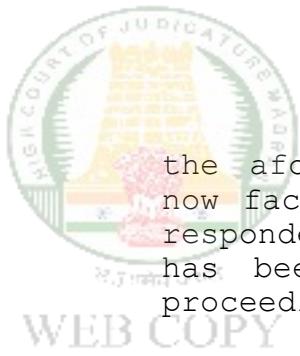
For R1 and R2 : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by
Mrs.S.Anitha
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent herein in G.O.(3D) No.42, Highways and Minor Ports (HL.1) Department, dated 29.11.2016 placing the petitioner under suspension and the consequential order passed by the 1st respondent herein in G.O.(3D) No.43, Highways and Minor Ports (HL.1) Department, dated 30.11.2016 not permitting the petitioner to retire from service with effect from 30.11.2016 and quash the same and consequently, to direct the respondents herein to pay the petitioner's retirement benefits such as Pension, Death-cum-Retirement Gratuity, General Provident Fund, Commutation of Pension, Leave Salary, Encashment of Earned Leave and all other retirement benefits with 10% interest from 01.12.2016 till the date of actual payment and consequently, to direct the 1st respondent herein to promote the petitioner as Assistant Divisional Engineer from 26.06.2006 and Divisional Engineer from 15.07.2015, the date of promotion of immediate junior, with all consequential service and retirement benefits.

2. According to the petitioner that the petitioner has challenged the impugned suspension order and consequential order passed by the 1st respondent, not permitted the petitioner to retire from service. According to the petitioner that a case has been registered against the petitioner by the Vigilance and Anti Corruption Police, Nilgiris District in Crime No.2 of 2005 and thereafter, the case has been assigned by the learned Special Judge-Cum-Chief Judicial Magistrate in S.C.C.No.07 of 2015 in connection with the offence under Sections 7 and 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988.

3. According to the petitioner that the aforesaid criminal case was ended in acquittal. The respondent has initiated the disciplinary proceedings for the very same charges and the petitioner was placed under suspension on the date of retirement from service. Initially he was suspended on the date of retirement. Even the petitioner was acquitted from the aforesaid criminal case, but so far, the 1st respondent has not finalised



the aforesaid disciplinary proceedings and the petitioner has now faced the hardship for getting retirement benefits from the respondents/Department. Therefore, he seeks an appropriate order has been passed by this Court expedite to the disciplinary proceedings and to pass final orders.

4. The learned Additional Advocate General appearing for the 1st and 2nd respondents has no any serious objections for concluding the aforesaid disciplinary proceedings and charges framed against the petitioner by the 1st respondent under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1973.

5. In the light of the above submissions made by the parties and taking into consideration that the aforesaid disciplinary proceedings and charge memo have been framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1973 and the same is pending for more than two years. Therefore, the 1st respondent is directed to conclude the said disciplinary proceedings and to pass appropriate orders in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall also co-operate with the 1st respondent for concluding the said disciplinary proceedings.

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

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Dm
To

1. The Additional Chief Secretary to Government,
Highways & Minor Ports (HL.1) Department,
Secretariat, Chennai - 600 009.
2. The Director General,
Highways Department,
Chennai - 600 025.



3. The Accountant General (A&E),
Teynampet, Chennai - 600 018.

+1cc to the Government Pleader, S.R.No.22772

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AK[co]
NSK 25/04/2022