

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. Nos. 18599 & 18602 of 2020

A. Neethi Mohan ... Petitioner in both W.Ps.
Vs.

1. The Principal Secretary to Government,
Co-operation, Food and Consumer
Protection (CD, I) Department,
Fort. St. George,
Chennai - 600 009.
2. The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.

... Respondents in both WPs.

Prayer in W.P.18599 of 2020:

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari, calling for records pertaining to the orders of the first respondent GO (2D) No. 30 Co-operation, Food and Consumer Protection (CD.I) Department dated 29.05.2018 and quash the same.

Prayer in W.P.18602 of 2020:

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for records pertaining to the orders of the first respondent GO (2D) No. 32 Co-operation, Food and Consumer Protection (CD 2) Department dated 30.05.2018 and quash the same and consequently direct the respondents to settle all the retirement benefits with interest at 12% per annum from the date of actual retirement till the date of settlement of the benefits.

For Petitioner : Mr. S. Kamadevan
(in both WPs)
For Respondents : Mr. T. Arun Kumar,
Additional Government Pleader
(in both WPs)

COMMON ORDER

The petitioner joined in the respondent Co-operative Department on 08.08.1979 and served for more than 30 years in the Co-operative Department. While he was working as Deputy Registrar of Co-operative Societies (Housing) Chennai Region, he

was placed under suspension by the first respondent and also served on him, pursuant to the order passed in GO (2D) No. 30 Co-operation, Food and Consumer Protection (CD I) Department dated 29.05.2018, and, by another GO (2D) No. 32 Co-operation, Food and Consumer Protection (CD, 2) Department dated 30.05.2018, he was not allowed to retire from service on the date of his superannuation, which fell on 31.05.2018. Both the orders have been challenged in the instant writ petitions before this Court.

2. The learned counsel for the petitioner has raised several grounds, challenging the impugned suspension order as well as the order, not allowing him to retire from service on the date of his superannuation.

3. After elaborate argument by the learned counsel for the parties, the learned counsel for the petitioner, at this stage seeks indulgence of this court to pass appropriate orders by directing the respondents to conclude the enquiry proceedings, otherwise, the petitioner will be put to harassment and the said enquiry proceedings will be prolonged and the petitioner will not be able to get retirement benefits from the respondents.

4. The learned counsel for the petitioner further submitted that the petitioner presented his explanation in response to the charge memo issued under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1979. Therefore, this Court may direct the respondents to pass appropriate orders for concluding the disciplinary proceedings within the specified time fixed by this Court.

5. The learned Government Pleader, appearing for the respondents submitted that, if such request has been made by the petitioner, the respondents are ready to conclude the said proceedings and the petitioner is required to co-operate for concluding the enquiry.

6. In the light of the submissions made by the learned counsel for the parties concerned, this court is inclined to direct the first respondent to issue necessary instructions to the authority concerned, to conclude the enquiry proceedings and pass final orders in accordance with law, by following the procedure as contemplated under the Rules, as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Principal Secretary to Government,
Co-operation, Food and Consumer
Protection (CD, I) Department,
Fort. St. George,
Chennai - 600 009.
2. The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.

+1 cc to Mr.S.Kamadevan, Advocate Sr.NO. 36379

+1 cc to Government Pleader Sr.NO. 37619

W.P. Nos. 18599 & 18602 of 2020

KV(CO)

A.SK(15/07/2022)