



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.7990 of 2020

and

WMP (MD)No.7430 of 2020

P.Chitra Devi

... Petitioner

Vs

1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, chennai - 600 009.

2.The Commissioner,
Milk Production & Diary Development,
Chennai - 600 051.

3.The Joint Registrar of Co-Operative Societies,
Madurai Region,
Madurai.

4.The General Manager,
District Co-Operative Milk Producers Union,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records pertaining to the impugned order of suspension passed in the proceedings in G.O(2D)No.12, dated 30.04.2020 and consequential order not permitting the petitioner to retire and retaining her in service passed in proceedings in G.O(2D) No.13, dated 30.04.2020 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to retire along with all retirement and monetary benefits.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition is filed as against the order of suspension dated 30.04.2020 and the consequential order of not permitting the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner to retire from service.

2.The grievance of the petitioner is that the petitioner has been suspended by the impugned order in this writ petition and not allowed to retire on the date of her superannuation.

WEB COPY

3.The learned Counsel for the petitioner submits that the petitioner had attended the Assessment Committee as a member in the capacity of DR(D), Nagercoil, as she was holding the post of DR (D) Nagercoil, on full additional charge. Further the petitioner awarded the marks to the candidates according to their performance in the oral test in the recruitment process for appointment to the post Extension Officer Grade-II. She has not committed any mistake. However, she has been placed under suspension alleging certain irregularities on the part of the petitioner in the selection process done in the year 2017.

4.The learned Counsel for the petitioner further submits that there shall not be any order of suspension or departmental proceedings soon before to the date of retirement. The impugned order is issued contrary to the guidelines issued by the Deputy Secretary, Revenue Department dated 28.12.2004, wherein it is made very clear that the disciplinary authority should not resort to last minute suspension of the government servant on the date of their retirement. Further, vide G.O.Ms.No.144, dated 08.06.2007, the government has issued guidelines to avoid suspension on the verge of retirement of any government servant.

5.Mr.G.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents submits that the petitioner along with others have committed certain irregularities in the selection process of appointment of Extension Officer Grade - II and is now facing criminal case. He would further submit that one of the candidates filed a writ petition before this Court in W.P(MD)No.2073 of 2018 that there are certain irregularities in the selection process and this Court directed the Vigilance and Anti Corruption Department to look into the issue. Accordingly, the Vigilance and Anticorruption department registered a preliminary enquiry in ref.Rc.No.PE.457/Coop/Ti, on 01.02.2018 against the Assessment Committee members including the petitioner herein.

6.The petitioner is arrayed as A2. Pending enquiry, the petitioner attained the age of superannuation on 30.04.2020 and therefore, she was placed under suspension by the impugned order in this writ petition. He would further submit that the Vigilance and Anticorruption has found certain *prima facie* materials as against the petitioner and others and made a request to register a case against the petitioner. The Government has also accorded sanction for the same and now the Department of Vigilance and Anticorruption has registered a case in Crime No.3 of 2020 on 31.07.2020 arraying



petitioner has been placed under suspension.

7.Considering the rival submissions made on either side this Court was inclined to issue directions for conduct of departmental proceedings and conclude the same within a reasonable time. However, the learned Counsel for the petitioner submits that the issue involved in the departmental proceedings and the criminal case is one and the same and therefore, if the enquiry is conducted by the department, it would prejudice the criminal case. Though the occurrence has taken place in the year 2018, the preliminary enquiry commenced only after filing of the writ petition in W.P(MD)No.2403 of 2018, the Vigilance and Anticorruption department has found some *prima facie* materials as against this petitioner and sought permission of the government to register a case and accordingly, registered a case in Crime No.3 of 2020 dated 31.07.2020. Considering the nature of offence committed in the case and the grievance of the petitioner, this Court directs DVAC, Tirunelveli to complete the investigation in Crime No.3 of 2020 within a period of six months and file a final report and on such filing of the final report, the trial Court concerned shall complete the trial as expeditiously as possible.

8.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, chennai - 600 009.

2.The Commissioner,
Milk Production & Diary Development,
Chennai - 600 051.

3.The Joint Registrar of Co-Operative Societies,
Madurai Region,
Madurai.

4.The General Manager,
District Co-Operative Milk Producers Union,
Tirunelveli.

5.The Director of Vigilance and Anticorruption, Tirunelveli.

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-92[F] dated
04/01/2022)

+1 CC to M/s.SPL.GP (SR-196[F] dated 04/01/2022)

W.P (MD) No. 7990 of 2020
03.01.2022

SP (CO)
KP (04.04.2022) 4P 8C