



W.P.(MD) No.11639 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.11639 of 2022
and W.M.P.(MD).Nos.8224 & 8225 of 2022

Tmt.R.Britto Helon

... Petitioner

Vs.

The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondent

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 impugned order of suspension passed by the respondent in R.C.No.A6/11104/2014, dated 21.05.2022 r/w Roc.No.A6/16795/2022, dated 31.05.2022, the order retaining the service of the petitioner and quash the same and consequently, direct the respondent to allow the petitioner to retire from service with all consequential service benefits payable to the petitioner within a stipulated time.



W.P.(MD) No.11639 of 2022

WEB COPY

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.G.Suryaananth

Additional Government Pleader

ORDER

The petitioner herein, while serving as a Special Deputy Tahsildar and who was due to retire on 31.05.2022, was placed under suspension by an order dated 21.05.2022, by stating that charges have been framed against her through a charge memo in ROC.No.A6/11104/2014, dated 20.09.2017, under Rule 17 (b) of Tamilnadu Civil Services (Discipline and Appeal) Rules and in view of such pendency of the charges, she was also forbidden to retire through another order dated 31.05.2022. Both the order of suspension and the order forbidding her to retire, are put under challenge in the present writ petition.

2. The learned counsel for the petitioner submitted that the charges referred to in both the impugned orders, were already dealt with and the petitioner was subjected to an enquiry, pursuant to which, she was also imposed with a punishment of stoppage of increment for a period of three years with cumulative effect, through a proceedings dated 28.06.2020.



W.P.(MD) No.11639 of 2022

WEB COPY

3. A perusal of the impugned order of suspension dated 21.05.2022, as well as the order, dated 31.05.2022, forbidding the petitioner to retire from service, reveals that the only ground on which such action is taken is in view of the framing of the charges against the petitioner on 20.09.2017, under Rule 17 (b).

4.It is not in dispute that after framing of the charges on 20.09.2017, an enquiry came to be held and the petitioner herein, who was arrayed as a delinquent in the charge memo, was imposed with the punishment on 28.06.2020. As such, the very foundation, on which, the respondent has chosen to place her under suspension and forbid her to retire, is baseless.

5.It is also not disputed by the respondent that the Disciplinary proceedings initiated under the Charge memo, dated 20.09.2017, was concluded with a punishment against the petitioner. The only reason now assigned is that the Government intends to revisit the punishment order, dated 28.06.2020. Such a reason has not been assigned either in the impugned order or in the order forbidding her to retire.



W.P.(MD) No.11639 of 2022

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7. In the result, the impugned order of suspension passed by the respondent in R.C.No.A6/11104/2014, dated 21.05.2022 and the order forbidding the petitioner to retire from service in Roc.No.A6/16795/2022, dated 31.05.2022, are quashed. Consequently, there shall be a direction to the respondent herein to pass appropriate orders, permitting the petitioner to retire from service and consequently, disburse all the retirement benefits, including the pensionary benefits. The period of suspension between 21.05.2022 and the petitioner's date of superannuation shall be treated as duty period for all



W.P.(MD) No.11639 of 2022

WEB COPY

purposes. Such orders shall be passed, at least within a period of two weeks from the date of receipt of a copy of this order.

8. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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To

The District Collector,
Tirunelveli District,
Tirunelveli.



WEB COPY



W.P.(MD) No.11639 of 2022

M.S.RAMESH,J.

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W.P.(MD) No.11639 of 2022

12.08.2022