



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.10745 of 2014

and

M.P. (MD)No.2 of 2014

WEB COPY

M.Subbiah ... Petitioner

vs.

1.The Joint Transport Commissioner,
(Administration),
Chepauk, Chennai.

2.The Regional Transport Officer,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in Proc.R.No.21708/VA2/2013, dated 30.05.2014, on the file of the first respondent and the consequential order in Proc.R.No.24843/R4/2014, dated 31.05.2014, on the file of the first respondent and to quash the same and further to direct the first respondent to retire the petitioner from service with effect from 31.05.2014.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.R.Ragavendran
	Government Advocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Proc.R.No.21708/VA2/2013, dated 30.05.2014, on the file of the first respondent and the consequential order in Proc.R.No.24843/R4/2014, dated 31.05.2014, on the file of the first respondent and further to direct the first respondent to retire the petitioner from service with effect from 31.05.2014.

2.The petitioner was appointed as Watchman in the year 1972 and was promoted as Record Clerk in the year 1996. He was serving as a Record Clerk for the past 36 years. On 16.04.2013, the Vigilance and Anti Corruption Department, conducted a surprise check in the Office of Regional Transport, Nagercoil, Kanyakumari. The contention of the petitioner is that the said raid was a periodical one and no incriminating documents were found. The petitioner attained superannuation on 31.05.2014 but the petitioner was placed under suspension and an order was issued on 31.05.2014, wherein, the respondents have retained the petitioner in service under Rule 56(1) (c) of Fundamental Rules. The contention of the petitioner is that



after the suspension, the respondents have not initiated any independent proceedings, neither charge memo was issued nor any proceedings was initiated.

3. The respondents have filed a counter affidavit stating that during the surprise check, a case was registered against one Mr.T.K. Muthusamy, Regional Transport Officer, Nagercoil, Ms.V. Daisy Nesam, Superintendent and Mr. M. Subbiah, Record Clerk. Subsequently, the Government in G.O.(2D)No.167, Home (Tr-II) Department, dated 22.05.2014 was issued and it is ordered to initiate disciplinary action against the above said Officials. In the said G.O., the petitioner is accused No.3 and he was alleged to have in possession of unaccounted cash at Learners License Room of the Regional Transport Officer, Nagercoil. The petitioner was found to have kept unaccounted money of Rs.3,650/- and the Government had decided to initiate disciplinary proceedings. Thereafter, issued a suspension order against the petitioner.

4.Heard Mr.G.Prabhu Rajadurai, learned Counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate appearing for the respondents.

5.This is a Vigilance case and a specific stand has been taken by the respondents that the Government had issued a G.O. to initiate disciplinary proceedings against the said three delinquents and the petitioner was in possession of unaccounted money of Rs.3,650/-.

6. The petitioner attained superannuation in the year 2014 and still the respondents have not concluded the proceedings. Therefore, this Court deems it fit to direct the first respondent to consider the case of the petitioner and complete the proceedings within a period of one year from the date of receipt of the copy of the order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

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 Joint Transport Commissioner,
(Administration),
Chepauk, Chennai.

2.The Regional Transport Officer,
Nagercoil, Kanyakumari District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-857[F]
dated 07/01/2022)

+1 CC to M/s.SPL GP (SR-740[F] dated 07/01/2022)

Order made in
W.P. (MD) No.10745 of 2014
06.01.2022

PK(CO)
GC(03.02.2022) 3P 5C