



W.P(MD)No.24702 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24702 of 2022

and

W.M.P.(MD)Nos.18800 and 18801 of 2022

K.Saravanan

... Petitioner

Vs.

1.The Joint Director of School Education,
(Personnel),
Chennai – 600 006.

2.The Chief Educational Officer,
Sivagangai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent in his proceedings in RC.No.54625/A3/S3/2022 dated 25.10.2022 and quash the same and



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consequently direct the respondents to permit the petitioner to retire from service on 31.10.2022 on the date of his superannuation with all attended benefits and continuity of service.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.N.Sathees Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was employed as Superintendent in education department. He was appointed on compassionate grounds way back in the year 1989. He reached the age of superannuation on 31.10.2022. On 25.10.2022, he was suspended from service and the same is put to challenge in this writ petition.

3.The allegation made against the writ petitioner is that he obtained employment on compassionate grounds, even though he was not



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eligible. The questions that arises for consideration are two fold. (a) whether on this ground, disciplinary action can be initiated when the petitioner was about to retire. In other words, whether on such a ground, the petitioner can be proceeded against after he had put in 33 years of service. (b) whether the petitioner is guilty of any wrong doing.

4.However, in this writ petition, suspension order alone has been put to challenge. The petitioner has not been allowed to retire from service. The said proceeding is not under challenge.

5.When the matter was taken up for hearing, the learned Additional Government Pleader produced copy of the charge memo dated 10.11.2022. In the absence of formal challenge to the charge memo, this Court is not in a position to grant any relief to the writ petitioner or go into the aforesaid questions. However, taking into account the facts and circumstances obtaining in this case, the respondents are directed disburse the eligible benefits due and payable to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order. I bear in mind the issuance of G.O.(Ms) No.100, dated 07.09.2022



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while issuing this direction. All the contentions and defences of the petitioner are left open. It is open to the petitioner to question the charge memo also.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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(Personnel),
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G.R.SWAMINATHAN, J.

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