



WEB COPY



W.P.No.28367 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.28367 of 2016
and W.M.P.No.24491 of 2016

T.Pandian

.. Petitioner

Versus

1. The District Collector
(Nutritious Noon meal scheme)
District Collectorate,
Cuddalore.

2. The Block Development Officer,
Nallur Panchayat Union office,
Nallur Post, Virudhachalam Post,
Cuddalore Post.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call the records pertaining to impugned order passed by the 1st respondent in Na.Ka.Pidi 1/6493/2009, dated 21.11.2014 and quash the same as illegal, arbitrary and unfair and consequently, direct the respondents to revoke the order of suspension passed by 2nd respondent against the petitioner in Na.Ka.EnA5/0514/2012, dated 11.01.2012 with direction to pay subsistence



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allowance from the date of suspension till its revocation within a time frame as may be fixed by this Court.

For Petitioner : M/s.R.Veeramani

For Respondents : Mr.S.Ravi Kumar,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the first respondent, the District Collector (Nutritious Noon Meal Scheme) at Cuddalore in Na.Ka.Pidi 1/6493/2009, dated 21.11.2014 and to direct the respondents to revoke the order of suspension passed by the second respondent, the Block Development Officer, Nallur Panchayat Union, Virudhachalam, Cuddalore district in Na.Ka.EnA5/0514/2012, dated 11.01.2012 and to pay subsistence allowance.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner, T.Pandian, was working as a noon meal scheme organiser at Panchayat Union Middle School at Sozhan Nagar. It had been stated that owing to various allegations raised against him, the second respondent had given a complaint and as a matter of fact, he was also



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arrested on 11.01.2012. He was also placed on suspension. The allegation, as against him was that he had taken away raw rice which was supplied to the noon meals center.

3. Be that as it may, the petitioner was aged 55 years at the time of filing of the Writ Petition which was in the year 2016 and by any mathematical calculation, should have attained the age of superannuation as on this date. There is also an interim direction given on 16.08.2016 that the respondents should pay the subsistence allowance to the petitioner herein. It is stated by the learned Counsel for the petitioner as a fact, the petitioner had attained the age of superannuation and had retired from the service.

4. Insofar as the criminal case registered against him in C.C.No.8 of 2012, wherein, the charges were framed under Section 6(4) of TNSC (RDSCS) order 1982 r/w 7(1) a(iii) of Essential Commodities. Act, 1955, the District and Sessions Court at Perambalur had acquitted the petitioner of all the charges under Section 248(1) of the Code of Criminal Procedure and had set him at liberty.



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5. In view of the pendency of the criminal case, the petitioner was not permitted to retire. Thereafter, since he had been acquitted, he had made a representation seeking permission to retire on attaining the age of superannuation. The learned Counsel for the petitioner states that the petitioner had actually retired from the service. In view of this particular fact, the Writ Petition being filed only questioning the order of suspension which has been obviously revoked consequent to the petitioner being permitted to retire, nothing further survives for adjudication.

6. The Writ Petition stands dismissed. The respondents may examine the representation of the petitioner and if the petitioner is entitled for any benefits, which had been withheld to him consequent to the registration of the criminal case, they may proceed to disburse the same in manner known to law and in accordance with rules and regulations. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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C.V.KARTHIKEYAN, J.

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