



W.P(MD)No.10070 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.10070 of 2023

and

W.M.P.(MD)No.8837 of 2023

A.Ravikumar

... Petitioner

**Vs.**

1.The Principal Secretary to Government,  
School Education Department,  
Fort St.George, Secretariat,  
Chennai-600 009.

2.The Director / Commissioner,  
Commissionerate of School Education,  
DPI Campus, College Road,  
Nungambakkam,  
Chennai-600 006.

3.The Chief Educational Officer,  
O/o. Chief Educational Officer,  
Sri Pragathambal Government Higher Secondary  
School Campus,  
Pudukkottai-622 001.

4.The Chief Educational Officer,  
O/o. Chief Educational Officer,  
Panagal Building,  
Thanjavur-613 001.

... Respondents



**W.P(MD)No.10070 of 2023**

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned enquiry notice issued by the third respondent herein vide in Na.Ka.No.5204/A5/2015, dated 16.05.2022 and consequential impugned orders in RC.No.336/C1/S3/2013, dated 30.01.2020 and in Na.Ka.No.336/C1/E3/2013, dated 30.01.2020 by the second respondent, quash the same as illegal and consequently, directing the respondent authorities to drop the departmental proceedings initiated against the petitioner and permitting him to retire from service with all retirement and monetary benefits with interest within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.N.Satheeshkumar  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner was working as Headmaster in the Government High School, Kurungulam, Thanjavur District. He was facing disciplinary proceedings. When he reached the age of superannuation, he was not allowed to retire. Challenging the same, this writ petition has been filed.



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3. In such matters where factual aspects are involved, the writ Court will not be justified in interfering. At the same time, the fate of an employee who has reached the age of superannuation and who has not been allowed to retire, cannot be kept uncertain indefinitely. Interest of justice will be served by directing the respondents to conclude disciplinary action as expeditiously as possible. At this stage, the learned counsel appearing for the petitioner states that the enquiry officer has not furnished the documents sought for by him. The petitioner is permitted to submit the list of documents that was required by him. The enquiry officer shall consider the same and keep in mind the principle that a delinquent employee is entitled to get all the relevant documents that are necessary for his defence and dispose of the said request. Enquiry against the petitioner shall be concluded within a period of three months. The final order on merits and in accordance with law shall be passed by the disciplinary authority or the competent authority within a period of two months thereafter. In any event, the entire proceedings shall be disposed of finally within a period of five months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. All the contentions and defences of the petitioner are left open.



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G.R.SWAMINATHAN, J.

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4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**26.04.2023**

Index : Yes / No

Internet : Yes/ No

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