



W.P.(MD) No.11782 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.05.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11782 of 2023

M.Prabakar

... Petitioner

Vs.

The Principal Secretary to
the Government of Tamil Nadu,
Rural Development and Panchayat Raj
Department,
Secretariat, Chennai - 600 009.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to permit the Petitioner to retire from service on 31.05.2023 notwithstanding and without reference/ prejudice to the criminal cases initiated against him in crime No. 18/19 on the file of DVAC, Madurai and Crime No.13/2021 on the file of DVAC vellore and in regard to any enquiry related to pendency of any enquiry in related to the afore said issues alone.

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For Petitioner : Mr.M.Ravi

For Respondent : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondent.

2. The petitioner is presently working as Additional Director of Rural Development and Panchayat Raj. He is reaching the age of superannuation on 31.05.2023. The petitioner is presently facing two criminal cases. The petitioner's apprehension is that citing the said pendency, he might not be allowed to retire and that he may be suspended on the last day. Learned counsel for the petitioner points out that on the same cause of action, he was issued with the surcharge proceedings. The petitioner's counsel would contend that those proceedings ended in his



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favour. All that the petitioner wants is that the respondent must take note of the relevant facts before passing an order on his representation dated 10.04.2023. The respondent would certainly give a disposal to the said representation before 31.05.2023. I refrain from making any observation on the merits of the matter. The issue is left entirely to the discretion of the respondent.

3. Accordingly, the writ petition is disposed of. No costs.

11.05.2023

NCC :No
Internet :Yes
Index :No
PKN

To
The Principal Secretary to
the Government of Tamil Nadu,
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G.R.SWAMINATHAN, J.

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