



W.P.(MD)No.2076 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2076 of 2017

and

W.M.P(MD)No.1731 of 2017

Dr.S.Subramaniapillai

... Petitioner

Vs.

1. The Secretary,
Arignar Anna College,
Aralvaimoli,
Kanyakumari District – 629 301.

2. The Convenor,
Enquiry Committee,
Arignar Anna College,
Aralvaimoli, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, calling for the records relating to the proceedings of the Impugned Memo of the 1st respondent, dated 25.07.2016 in Memo No. 2794/A/2016 and the consequent proceeding of the 2nd respondent, dated 13.01.2017 and 27.01.2017 pertaining to conduct the enquiry against the Petitioner pursuant to the memo, dated 25.07.2016 and quash the same.



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For Petitioner : Mr.K.Vinoharan, for
M/s.G.Prabhu Rajadurai

For Respondents : Mr.D.Saravanan

ORDER

This Writ Petition has been filed to quash the impugned memo of the 1st respondent, dated 25.07.2016 in Memo No. 2794/A/2016 and the consequent proceeding of the 2nd respondent, dated 13.01.2017 and 27.01.2017 pertaining to conduct the enquiry against the Petitioner pursuant to the memo, dated 25.07.2016.

2. Heard Mr.K.Vinoharan, for M/s.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.D.Saravanan, learned counsel appearing for the respondents. Perused the material documents available on record.

3. The learned counsel appearing for the petitioner as well as the respondents submitted that the petitioner had attained superannuation and the 1st respondent allowed the petitioner to retire from service.



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4. In the present case the petitioner had challenged “memo” and the impugned memo is not even a “charge memo”. The impugned memo is at preliminary stage. However, by taking the facts and circumstances of the case, more so the petitioner had attained superannuation and the 1st respondent allowed the petitioner to retire from service, therefore this Court is of the considered opinion that the respondents cannot proceed further since there is no employer and employee relationship. Hence the impugned memo is quashed.

5. It is submitted that the respondents have also sent a proposal to the Government for granting terminal benefits. Therefore, the respondents are directed to process the proposal of terminal benefits and disburse the same at the earliest.

6. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

24.01.2023



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 2076 of 2017**

24.01.2023