



W.P.(MD)No.29003 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29003 of 2022

and

W.M.P.(MD).Nos.22979 and 22981 of 2022

C.Lekshmanaswamy

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai -9.

2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
Nungambakkam,
Chennai.

3.The Joint Director of School Education (Personnel),
O/o. The Joint Director of School Education,
Chennai 600 006.

4.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in G.O.(1D) No.282 School Education (SE1(2) Department dated 28.11.2022 and consequential impugned order passed by the 1st respondent vide G.O.(1D) No.284 School Education (SE1(2) Department dated 30.11.2022 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s. Ajmal Associates
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned orders passed by the 1st respondent dated 28.11.2022 and 30.11.2022 and to quash the same.

2. The case of the petitioner is that initially he was appointed as P.G.Assistant in the year 1987 at Munchirai, Kanyakumari District. Subsequently, he was promoted as Headmaster in the Higher Secondary School, Rameswaram. Thereafter, he was promoted as District Educational



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Officer and posted at Kuzhidurai, Kanyakumari District. While he was working as the District Educational Officer, Tirunelveli District, he reached the age of superannuation on 30.11.2022. While so, the first respondent, vide G.O.(1D)282, School Education (SE1(2) Department, dated 28.11.2022, suspended the petitioner from service, on the ground that an enquiry into grave charges against him is pending. Consequently, the first respondent, vide impugned G.O.(1D)284, School Education (SE1(2) Department, dated 30.11.2022, not permitted the petitioner to retire from service. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the impugned order dated 30.11.2012 was passed by invoking Rule 56(1)(c) of the Fundamental Rules, till date no disciplinary proceeding was initiated. Without issuing charge memo either under Rule 17(b) or 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, keeping the petitioner under suspension is not sustainable one. Hence, he prayed for appropriate orders.



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4. The learned Special Government Pleader appearing for the respondents would submit that appropriate disciplinary proceedings will be initiated as against the petitioner and the same will be completed within a period of three months from the date of receipt of a copy of this order.

5. Since the impugned order dated 30.11.2012 was passed by invoking Rule 56(1)(c) of the Fundamental Rules, the prayer sought for in the writ petition cannot be granted. Further, the learned Special Government Pleader appearing for the respondents have assured that the entire disciplinary proceedings will be completed within a period of three months.

6. In view of the above, this Writ Petition is disposed of with the direction to the respondents to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

27.01.2023

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M.DHANDAPANI,J.

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