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W.P.No.40610 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR, J.**

W.P.No.40610 of 2015

- | | | | |
|----|---|-----|-------------|
| 1 | J.Jayapaul Mohan
Assistant Executive Engineer (under
Suspension), Public Works Department,
No.67, Perumal Reddy Street,
Egmore Chennai-5. | ... | PETITIONER |
| Vs | | | |
| 1 | The Principal Secretary To
Government, Public Works Department,
Fort St.George, Secretariat, Chennai-9. | | |
| 2 | The Engineer-in-Chief,
WRD And The Chief Engineer (Genl.) PWD,
Chepauk, Chennai- 600 005. | ... | RESPONDENTS |

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARI calling for the entire records pertaining to the order passed by the 1st respondent in G.O.(D) No.145, Public Works (E1) Department dated 29.05.2015 and quash the same as illegal arbitrary unreasonable being vitrine of rules and principles of natural justice and thereby direct the respondents herein to permit the petitioner to retire from service with effect from 31.05.2015 with all monetary and service benefits.



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For Petitioner ... Mr.A.R.Suresh
For Respondents ... Mr.P.Ganesan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order issued by the first respondent in G.O.(D) No.145, Public Works (E1) Department, dated 29.05.2015, whereby, the petitioner was not allowed to retire from service because of the pendency of the disciplinary proceedings against the petitioner even after attaining the age of superannuation.

2.When the matter is taken up for consideration, it is brought to the notice of this Court by Mr.Ganesan, learned Additional Government Pleader that the petitioner herein was subsequently dismissed from service by issuing order in G.O.(4D).No.51, Public Works (E2) Department, dated 23.03.2021 and such an order was challenged by filing the writ petition in W.P.No.1173 of 2022 and the said writ petition also has been dismissed by the learned single judge of this Court on 01.03.2024. However, the learned counsel appearing for the petitioner submitted that a writ appeal has been preferred against the said order dated 01.03.2024 and the same is pending.



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3.Be that as it may, by virtue of the order of dismissal on 23.03.2021 passed against the petitioner, the relief sought for in this writ petition has practically become infructuous. However, the learned counsel appearing for the petitioner submitted that though the petitioner was dismissed from service on one charge, other disciplinary proceedings that are pending against the petitioner since long and appropriate orders be passed to complete the disciplinary proceedings in all those pending matters.

4.Considering the same, the writ petition is disposed of directing the first respondent to conclude all the disciplinary proceedings, which are pending against the petitioner as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order and communicate such decision to the petitioner.

Index : Yes/No
Internet : Yes/No
sms

16.12.2024



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To

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- 1 The Principal Secretary To
Government, Public Works Department,
Fort St.George, Secretariat, Chennai-9.
- 2 The Engineer-in-Chief,
WRD And The Chief Engineer (Genl.) PWD,
Chepauk, Chennai- 600 005.
- 3 The Public Prosecutor
High Court, Madras.



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MUMMINENI SUDHEER KUMAR, J.

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