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W.P.Nos.9045 of 2020 & 22826 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.Nos.9045 of 2020 & 22826 of 2022
and W.M.P.No.11005 of 2020 & 21854 of 2022

M.Jayaraman

...Petitioner in both W.Ps.

-Vs-

1.The State of Tamil Nadu,
Rep by its Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director,
Department of Rural Development and
Panchayat Raj,
Panagal Maligai, 4th & 5th Floor,
Abdul Razzak Street,
Saidapet, Chennai 600 015.

3.The District Collector,
Dharmapuri District,
District Collectorate,
First Floor, Main Building,
Salem Main Road,
Dharmapuri 636 705.

... Respondents in W.P.No.9045 of 2020

The District Collector,
Dharmapuri District,
District Collectorate,
First Floor, Main Building,



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Salem Main Road,
Dharmapuri 636 705.

... Respondent in W.P.No.22826 of 2022

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Prayer in W.P.No.9045 of 2020: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give a fresh posting with effect from 01.12.2020 in the Department of Second respondent to the petitioner and also to direct the respondents to release all the benefits including payment of salary and other emoluments with effect from 30.11.2019 till date of posting that the petitioner would be entitled to in accordance with law.

Prayer in W.P.No.22826 of 2022: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records and to quash the impugned orders of suspension vide ROC No.24580/2021/K1 dated 27.09.2022 served on 28.06.2022 and vide ROC No.24580/2021/K1 dated 29.06.2022 served on 30.06.2022 on the date of retirement (Superannuation) issued by the respondent against the petitioner and also direct the respondent to release all the retirement benefits including future pension due to the petitioner or he would be entitled to in accordance with law.

In both W.Ps.

For Petitioner : Mr.P.J.George

For Respondents : Mr.R.U.Dinesh Raj Kumar, AGP

COMMON ORDER



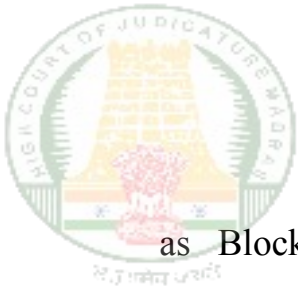
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Writ Petition in W.P.No.9045 of 2020 is filed seeking a direction to the respondents to give a fresh posting with effect from 01.12.2020 in the Department of Second respondent to the petitioner and also to direct the respondents to release all the benefits including payment of salary and other emoluments with effect from 30.11.2019 till date of posting that the petitioner would be entitled to in accordance with law.

Writ Petition in W.P.No.22826 of 2022 is filed seeking quashment of the impugned orders of suspension vide ROC No.24580/2021/K1 dated 27.09.2022 served on 28.06.2022 and vide ROC No.24580/2021/K1 dated 29.06.2022 served on 30.06.2022 on the date of retirement (Superannuation) issued by the respondent against the petitioner and consequently, to direct the respondent to release all the retirement benefits including future pension as the petitioner would be entitled to in accordance with law.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. The case of the petitioner is that the petitioner was appointed as Junior Assistant by the Tamil Nadu Public Service Commission and finally, promoted



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as Block Development Officer, Morappur, Dharmapuri District. By the proceedings of the District Collector, Dharmapuri District, dated 30.11.2019, One R.Ganesan was posted as Block Development Officer, Morappur, Dharmapuri District in the place of the petitioner without specifying his further posting and his posting has been kept in abeyance till 26.10.2020. His salary and other emoluments have not been paid from 01.12.2019 to 05.06.2020. Since the petitioner did not receive any order of his re-posting, he was forced to send a registered letter dated 08.05.2020 to the District Collector, Dharmapuri District and till 22.05.2020, he has not received any reply. Thereafter, he gave a representation dated 22.05.2020 to the Director of Rural Development and Panchayat Raj, Chennai. On 26.05.2020, the petitioner received an information vide letter N.K.No.9561/2017/K1 dated 23.05.2020 stating that he was involved in the scandal for installing tower lights of high rise from the general fund of Panchayat when he was working as Block Development Officer, Pappireddipatti, Dharmapuri District. As per the Service Rules of the Tamil Nadu Panchayat Development covering Block Development Officer, Deputy Block Development Officer and Extension Officer – Special Rules, the District Collector, Dharmapuri District is required to have given a new posting within a period of 6 months from the order dated 30.11.2019. The petitioner would have attained superannuation on 30.06.2020 but in view of G.O.Ms.No.51, dated



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07.05.2020, all teaching and non-teaching staff including the petitioner have been given one more year period to serve in the Department. Since the petitioner has not been given a new posting by the District Collector, Dharmapuri District, he has filed W.P.No.9045 of 2020 seeking a direction to the District Collector, Dharmapuri District, to give him a suitable posting.

4. During the pendency of the petition, the District Collector, vide order dated 27.10.2020 cancelled the suspension order and issued a fresh appointment to the petitioner as Superintendent / Block Development Officer, District Rural Development Agency, Dharmapuri District. Thereafter, on 18.02.2022, the respondent / Complainant has conducted a search in the residence of the petitioner and nothing has been found relating to crime No.4 of 2022 in which the petitioner was arrayed as A3. The petitioner filed a petition before this Court in Crl.O.P.No.5887 of 2022 and this Court, by an order dated 14.03.2022, had granted anticipatory bail to the petitioner. After that, on 27.10.2020, the petitioner was taken back into service and posted as Block Development Officer at various places and finally at Morappur. All of a sudden, the petitioner was issued with the order of suspension vide ROC No.24580/2021/K1 dated 27.06.2022 served on 28.06.2022 and another order vide ROC No.24580/2021/K1 dated 29.06.2022 served on 30.06.2022 on the date of



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retirement. In the second order dated 29.06.2022, it was stated that the petitioner would be retained in service until conclusion of the inquiry by the Vigilance and Anti Corruption Department. Hence, the petitioner filed W.P.No.22826 of 2022 seeking quashment of the suspension orders.

5. When the matter is taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the Disciplinary Authority has already seized with the matter.

6. Recording the submissions made by the learned Additional Government Pleader, since the Disciplinary Authority has already seized the matter, this Court will not interfere at this stage. Hence, these Writ Petitions are dismissed. However, the Disciplinary Authority in the present case is directed to complete the inquiry and pass orders on merits and in accordance with law, preferably within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.11.2024

Internet: Yes
Index : Yes/No
vkr



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To

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Government of Tamil Nadu,
Secretariat, Fort St. George,
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- 2.The Director,
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VIVEK KUMAR SINGH. J.

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