



wp.no.17390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.17390 of 2024

K.Vaithilingam

... Petitioner

Vs.

1. The Directorate of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Building, College Road,
Chennai 600 006.

2. The District Elementary Education Officer,
2nd Floor, Collectorate Buildings,
Ariyalur 621 704.

3. M. Seeman,

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the 1st and 2nd Respondents not to take any coercive actions under the impugned Memo in Na.Ka.No. 1124/A12023 dated 12.06.2024 in accordance Rule 17(a) of The Tamil Nadu Civil Services (Discipline and Appeal) Rules with which will seriously prejudice the Petitioner who is at the verge of his superannuation on 30.06.2024.

For Petitioner : Mr.T.Deenadhayalan



wp.no.17390 of 2024

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [Edn.]

WEB COPY

ORDER

The Writ Petitioner is working as Head Master at Panchayat Union Elementary School, Pazhamalai Nathapuram. He is supposed to retire by virtue of superannuation on 30.06.2024. On the verge of retirement, his creditor, namely one Seeman, sent a petition stating that the petitioner had borrowed a sum of Rs.7,00,000/- in the year 2017 and executed a promissory note for a sum of Rs.6,00,000/- and he had filed a suit in O.S.NO.178/2020 and the suit was decreed. Therefore, he has sent a petition, which is treated as minor misconduct, and a show cause notice under Rule 17(a) of the Tamil Nadu Government Servants (Discipline and Appeal) Rules was issued to the petitioner on 12.06.2024. Even though the petitioner submitted his explanation immediately on 22.06.2024, since the petitioner is reaching the date of superannuation. Therefore, for a change, the debtor is now under anxiety. Therefore, the petitioner is before this Court, thinking that he may be suspended or some coercive action will be taken on the last date.

2. Be that as it may, the learned special government pleader, taking notice on behalf of the respondents, submits that only on 22.06.2024 he has



wp.no.17390 of 2024

given the reply, and the same is sent to the appropriate authority, and it may take at least two weeks for them to pass final orders.

3. In view thereof, this Writ Petition is disposed of on the following terms;

(i) As the show cause notice itself is issued under the minor penalty procedure and since the petitioner has filed an explanation, the respondents shall consider and pass final orders in respect of the disciplinary proceedings on or before 12.07.2024 and consequently, orders relating to his retirement and disbursement of the benefit can also be passed.

(ii) No costs.

28.06.2024

Neutral Citation : Yes/No
jrs

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



wp.no.17390 of 2024

jrs

To

1. The Directorate of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Building, College Road,
Chennai 600 006.
2. The District Elementary Education Officer,
2nd Floor, Collectorate Buildings,
Ariyalur 621 704.

W.P.No.17390 of 2024

28.06.2024