



WEB COPY



W.P.No.18124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18124 of 2024

and

W.M.P.No.19914 & 19916 of 2024

T.Sakthivel

.... Petitioner

Vs

1. The Director of Town Panchayaths,
Raja Annamalai Puram,
Chennai – 600 028.

2. The District Collector,
Erode,
Erode District – 638 011.

3. The Assistant Director (Town Panchayat),
Erode Zone,
Collector Office Buildings,
Erode – 638 011.

.... Respondents

Prayer : 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 on the file of the first respondent's proceedings in R.O.C.No.4731/2024/A1, dated 29.04.2024 and consequential orders of the first respondent in R.O.C.No4731/2024/A1, dated 30.04.2024 and quash the same and consequently permit the petitioner to retire from



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service with effect from the date of superannuation with all attendant benefits and release all the terminal benefits.

For Petitioner : Mr.P.Kannan Kumar
For R1 & R3 : Dr.T.Seenivasan
Special Government Pleader
For R2 : Mr.G.Velu
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 29.04.2024, thereby suspended the petitioner from service and the order dated 30.04.2024, thereby not permitted the petitioner to retire from his service.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was recruited as Bill Collector and joined duty on 25.02.1999. Thereafter, he was promoted to the post of Grade-II Executive Officer on 27.08.2016 and later Grade-I Executive Officer with effect from 05.08.2019. Subsequently, he was promoted to the post of Executive Officer. While he was working as Executive Officer in



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Chennaamudram Town Panchayat, Kodumudi Taluk, Erode District, an FIR was registered in Crime No.02/AC/2024 on the file of the Inspector of Police, Vigilance and Anti Corruption Police Department, Karur, for the offences under Sections 120(B), 409, 465, 468, 471 r/w 109 of IPC, 13(2) r/w 13(1)(a) and Section 12 of Prevention of Corruption Act as against the petitioner and others, on the allegation that the accused caused loss to the tune of Rs.23,79,594/- in purchasing of device, during COVID-19 Pandemic circumstances, to conduct video-conference meeting. Pursuant to the registration of the FIR, the petitioner was yet to be served with charge memo. While being so, the petitioner was about to attain the age of superannuation and as such, the petitioner was placed under suspension and subsequently, he was not allowed to retire from service.

4. The learned counsel appearing for the petitioner contended that except the FIR, the petitioner was not served with any charge memo. The petitioner is ready to face the criminal charge. However, the respondent ought not to have placed the petitioner under suspension. It is against the Government order in G.O.Ms.No.111,



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Human Resources Management (N) Department, dated 11.10.2021. He also pointed out that to avoid suspension on the date of their retirement, decision should be taken well in advance i.e, three months prior to the date of retirement on superannuation, if final orders could not be issued in a pending disciplinary case against a Government servant retiring from service due to administrative grounds.

5. Admittedly, the petitioner attained the superannuation on 30.04.2024. FIR was registered only on 12.04.2024. In this regard, the same Government order provides that where the delinquency committed by a Government servant is very grave which warrant imposition of major penalty such as dismissal or removal from service and if it is not possible to frame charges to initiate action before retirement or to pass final orders in such departmental proceedings, then it is necessary to suspend the Government servant from service and not to permit him to retire on attaining the age of superannuation under Fundamental Rule 56(1)(c). The petitioner committed very grave offence and he is now facing the criminal charge under the Prevention of Corruption Act.



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6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. However, the petitioner is at liberty to claim other benefits if any before the respondents in the manner known to law. The petitioner is entitled for earned leave and unearned on private affairs. The first respondent is directed to disburse the same to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

09.07.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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Raja Annamalai Puram,
Chennai – 600 028.

2. The District Collector,
Erode, Erode District – 638 011.



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3. The Assistant Director (Town Panchayat),
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