



WEB COPY



W.P.No.19399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM:

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

W.P.No.19399 of 2024
and W.M.P.No.21247 of 2024

K.Pitchai Mydeen

... Petitioner

Vs

1. The Principal Secretary,
Tamil Nadu Rural Development and
Panchayat Raj (E2) Department,
Secretariate, St.George Fort,
Chennai – 600 009.
2. The Director,
Tamil Nadu Rural Development and
Panchayat Raj Department,
4th Floor, Panagal Building,
Jeenis Road, Saidapet,
Chennai – 600 015.
3. The Commissioner,
Tamil Nadu Rural Development and
Panchayat Raj Department,
4th Floor, Panagal Building,
Jeenis Road, Saidapet,
Chennai – 600 015.
4. The District Collector,
Thiruvarur District,
Thiruvarur.

.... Respondents



W.P.No.19399 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order passed by the first respondent through his proceedings in G.O.(2D) No.49 dated 29.06.2022 and the consequential impugned order passed by the first respondent through his proceedings in G.O.(2D)No.52 dated 30.06.2022 and to quash the same as illegal and consequently direct the first respondent to revoke the petitioner's suspension and allow the petitioner to retire and disburse all the retirement benefits and pensionary benefits to the petitioner.

For Petitioner : Mr.S.Nedunchezhiyan
for Mr.S.Venkatesan
For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 29.06.2022, thereby suspended the petitioner from service and the order dated 30.06.2022, thereby not permitted the petitioner to retire from service.

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



W.P.No.19399 of 2024

3. The petitioner had joined in the service as Junior Assistant/Rural Welfare Officer – Grade II at Panchayat Union, Sethubavachatram, on 12.05.1987. Thereafter, he was promoted to the post of Assistant and transferred to various Panchayat Unions. Thereafter, he was promoted to the post of Extension Officer and subsequently, promoted to the post of Deputy Block Development Officer. Finally, he was promoted as Block Development Officer and transferred to the Block Development Office, Thiruppananthal. Thereafter, he was promoted and transferred as Assistant Project Officer and he had worked at District Rural Development Agency, Nagapattinam, till 30.06.2017. Thereafter, the petitioner was promoted and transferred as Personal Assistant to Collector to the Collectorate of Thiruvarur.

4. While being so, the petitioner was suspended from service, on 29.06.2022, pursuant to the criminal case pending against him in Spl.SC.No.22 of 2019, on the file of the Chief Judicial Magistrate-cum-Special Judge for trial of cases under Prevention of Corruption Act, Thanjavur at Kumbakonam. Pursuant to the same, by an order dated 30.06.2022, the petitioner was not permitted to retire from service on attaining the age the superannuation.

5. The learned counsel for the petitioner would submit that the petitioner



W.P.No.19399 of 2024

was suspended and not permitted to retire from service based on a criminal case in Spl.SC.No.22 of 2019 for the offences punishable under Sections 120(B), 409, 465, 468, 471, 477(A) IPC and Section 13(1)(c) read with 13(2) of the Prevention of Corruption Act, 1988 read with 109 IPC. The entire proceeding was challenged before the Madurai Bench of this Court in Crl.O.P.No.726 of 2020 and this Court, by an order dated 11.07.2022, quashed the entire proceedings in Spl.SC.No.22 of 2019 on the file of the Chief Judicial Magistrate-cum-Special Judge for trial of cases under Prevention of Corruption Act, Thanjavur at Kumbakonam. Even then, the respondents did not permit the petitioner to retire from service. The respondents did not serve any charge memo on the strength of the charges. That apart, the petitioner also submitted representations to revoke the order of suspension and permit him to retire from service by way of a representations dated 01.08.2022 to 12.02.2024. However, the respondents failed to consider the same and the representations are pending.

6. Considering the above facts and circumstances of the case, the first and second respondents are directed to consider the representations submitted by the petitioner, in view of the order passed by this Court in Crl.O.P.No.726 of 2020 dated 11.07.2022 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.No.19399 of 2024

WEB COPY. With the above directions, this writ petition disposed of.

Consequently, connected Miscellaneous petition is closed. No costs.

12.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

mn



WEB COPY



W.P.No.19399 of 2024

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Principal Secretary,
Tamil Nadu Rural Development and
Panchayat Raj (E2) Department,
Secretariate, St.George Fort,
Chennai – 600 009.
2. The Director,
Tamil Nadu Rural Development and
Panchayat Raj Department,
4th Floor, Panagal Building,
Jeenis Road, Saidapet,
Chennai – 600 015.
3. The Commissioner,
Tamil Nadu Rural Development and
Panchayat Raj Department,
4th Floor, Panagal Building,
Jeenis Road, Saidapet,
Chennai – 600 015.
4. The District Collector,
Thiruvarur District,
Thiruvarur.

W.P.No.19399 of 2024

12.07.2024