



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24629 of 2024
and W.M.P.Nos.26950 & 26952 of 2024

A.Murugesan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply (TP-IV)
Secretariat Building,
Chennai – 600 009.

2.The Secretary,
Municipal Administration and Water Supply (TP-IV)
Secretariat Building,
Chennai – 600 009.

3.The Director of Town Panchayat,
7th and 8th Floor, Urban Administrative office Campus,
Chennai – 600 028.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the file of the first respondent in his G.O.(2D)No.15 dated 26.02.2020 issued by 1st respondent and quash the same and consequently to settle all the retirement benefits including service benefits namely, death cum retirement gratuity, provide fund, special provident fund



commutation of pension, encashment of leave, pension arrears and other benefits to the petitioner.

For Petitioner : Mr.R.Swarnavel

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 26.02.2020 and for a consequential direction to the respondents to settle the retirement benefits to the petitioner, within the time frame fixed by this Court.

2.Heard Mr.R.Swarnavel, learned counsel appearing on behalf of the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he was working as the Executive Engineer at Trichirapalli Region. At that point of time, a charge memo under Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules (herein after called as “Rules”) came to be issued on 20.10.2016 on the ground that the petitioner has not carried out supervision of the storm water drainage properly. The petitioner also gave his reply to



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the 3rd respondent. Thereafter, on 29.12.2016, yet another charge memo was issued to the petitioner under Rule 17(a) of the 'Rules'. This charge memo was issued on the ground that there has been slow progress in the Central Government Sponsored Scheme. The petitioner gave his reply for this charge memo also.

4. Yet another charge memo was issued against the petitioner dated 13.01.2023 under rule 17(b) of the 'Rules'. The petitioner also gave his reply for this charge memo on 26.02.2023.

5. The petitioner reached the age of superannuation on 28.02.2020. In the meantime, the order of suspension came to be passed on 26.02.2020. Thereafter, G.O.(2D)No.19, dated 28.02.2020 was passed not permitting the petitioner to retire from service.

6. The grievance of the petitioner is that repeatedly Enquiry Officers are being appointed and they are transferred and as a result, there has been absolutely no progress in the enquiry. The petitioner continues to be under suspension and he has not been permitted to retire for more than one and half years. Left with no other alternate, the present writ petition has been filed before this Court.



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7. When the matter came up for hearing on 27.08.2024, this Court directed the learned Additional Government Pleader to take instructions on the stage of the enquiry.

8. When the matter was taken up for hearing today, the learned Additional Government Pleader on instructions submitted that by proceedings dated 04.05.2024, one Mr. Ilangoan has been appointed as an Enquiry Officer and that he will proceed further to conduct the enquiry with respect to the charge memos that are pending against the petitioner and entire disciplinary proceedings will be completed within the time frame fixed by this Court.

9. The learned counsel for the petitioner submitted that even if the enquiry is conducted and a major penalty is imposed against the petitioner, the petitioner will be entitled for certain benefits which cannot be withheld by the respondents. To substantiate this submission, the learned counsel relied upon the judgement of the Division Bench in *Secretary to Government, Revenue Department, Secretariat. Chennai – 600 009 vs. K. Palaniyandi* reported in 2019 5 CTC 19.

10. In the considered view of this Court, the petitioner cannot be kept under suspension for a prolonged time, more particularly, since the petitioner has already



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attained age of superannuation. Therefore, there must be some finality in the disciplinary proceedings that has been initiated against the petitioner. Considering the same, there shall be a direction to the respondents to complete the departmental proceedings pending against the petitioner strictly within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner. In the meantime, the petitioner shall be paid the subsistence allowance to which he is entitled to. That apart, the petitioner shall also be settled the terminal benefits to which he is entitled as per the judgment of the Division Bench referred *supra*. This settlement shall take place within a period of six weeks from the date of receipt of copy of this order.

11.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

10.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

SSR

To

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