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W.P.No.27361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

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

W.P.No.27361 of 2023 and
WMP.Nos.26790 & 26791 of 2023

P.R.Srinivasamurty

... Petitioner

Vs.

1.The Government of India,
Rep. By the Secretary,
Auroville Foundation,
Auroville Foundation Bhavan,
Auroville 605 101

2.P.Ulaganathan

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the entire records of the suspension order issued by the 1st Respondent in F.No. AVF/ ADMN/ DP / 2023/ 04- 01/ 273 dated 11.04.2023; charge memo issued by the 1st Respondent F.No.AVF/ ADMN/ DP / 2023 / 04- 02/ 274 dated 11.04.2023; Letter of the 2nd Respondent addressed to the petitioner herein dated 22.07.2023, order issued by the 1st Respondent in F.No.AF/ ESTT/ 38/ 589 dated 31.07.2023 to the limited extent of continuation of disciplinary proceedings; order issued by the 1st Respondent in F.NO.AVF/ ESTT / 38/ 609 dated 17.08.2023 and order



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issued by the 2nd respondent dated 21.08.2023, to quash the same and direct the 1st Respondent to grant all retirement benefits unutilized encashment of earned leave and other allowances like LTC, pension benefits etc., and all pensionary benefits to the petitioner herein with interest on the delayed payments within a limited frame as deemed fit by this Court.

For Petitioner : Mr.M.Ravi

For Respondents

For R1 : Mr.Vaibhav R.Venkatesh

For R2 : No appearance

ORDER

This writ petition has been filed challenging the suspension order issued by the first respondent in F.No. AVF/ ADMN/ DP / 2023/ 04- 01/ 273 dated 11.04.2023; charge memo issued by the 1st Respondent in F.No.AVF/ ADMN/ DP / 2023 / 04- 02/ 274 dated 11.04.2023; letter of the 2nd Respondent addressed to the petitioner herein dated 22.07.2023, order issued by the 1st Respondent in F.No.AF/ ESTT/ 38/ 589 dated 31.07.2023 to the limited extent of continuation of disciplinary proceedings; order issued by the 1st Respondent in F.NO.AVF/ ESTT / 38/ 609 dated 17.08.2023; and the order issued by the 2nd respondent dated 21.08.2023.



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2. It is seen that challenging the order of suspension does not arise since the petitioner was directed to retire by the communication dated 31.07.2023. However, the disciplinary proceedings instituted against the petitioner vide charge memo dated 11.04.2023 will be continued under Rule 8 of the Central Civil Services(Pension) Rules, 2021 after his retirement also. Therefore, this Court finds no infirmity or illegality in the charge memo issued to the petitioner and as such, the charge memo cannot be quashed and the writ petition is liable to be dismissed.

3. However, the learned counsel appearing for the petitioner would submit that though the petitioner was allowed to retire from service, he was not paid any terminal benefits. He further submitted that though the petitioner was served with charge memo, documents which were annexed along with the charge memo, were not served on the petitioner to attend enquiry.

4. In view of the above submission, the first respondent is directed to serve the documents, which were annexed along with the



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charge memo as annexure-III, on the petitioner within a period of two weeks from the date of receipt of copy of this order, if not already served on the petitioner. On receipt of the same, the second respondent is directed to complete the disciplinary enquiry within a period of three months thereafter and the first respondent is directed to pass final orders within a period of four weeks after issuance of second show cause notice.

5. With the above directions, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

23.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
The Secretary,
The Government of India,
Auroville Foundation,
Auroville Foundation Bhavan,
Auroville 605 101

G.K.ILANTHIRAIYAN, J.

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