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W.P.No. 3713 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.02.2024

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THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No. 3713 of 2017
and WMP.Nos.3779 and 3780 of 2017

S.Jayakumaar

..Petitioner

Vs

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj,
(E2) Department,
Secretariat, Chennai-9.

2. The Director of Rural Development and
Panchayat Raj,
Chennai-15.

3. The Deputy Secretary to Government,
Rural Development and Panchayat Raj,
(E2) Department,
Secretariat, Chennai-9.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the Show Cause Notice in R.O.C. No.23602/ 2007/ VC2.2, dated 27.06.2007 by the 2nd Respondent and the Letter No.38515/ E2/ 2006, dated 27.10.2016 of the 3rd Respondent, the Charge Memo in RC. No.23602/ 2007 VC2.2, dated 27.10.2016 of the 2nd Respondent and quash the same and also quash



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the consequential order in G.O. (D) No.456, Rural Development and Panchayat Raj (E2) Department, dated 31.10.2016 of the 1st Respondent in so far it relates to the order of continuance of Disciplinary Proceedings under Rule 9 of Tamil Nadu Pension Rules 1978 and to direct the Respondents to settle the Retired and pensionary Benefits and all other consequential benefits arising thereof within the time frame.

For Petitioner : Mr.M.Arunkumar

For M/s.R.Muthukannu

For Respondents : Mr.M.Alagu Gowtham
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

2. This petition has been filed against the show cause notice dated 26.07.2007 issued by the second respondent and charge memo dated 27.10.2007 issued by the second respondent. It appears that based on the incidental recommendation of the appropriate investigating authority of the State, the Director to Rural Development and Panchayat Raj was instructed to initiate the disciplinary action against six officers of Ramanathapuram



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District for the allegations of gross negligence of official duties and made payment to Thiru C.N.N.Pandian, then Project Engineer, without verifying and ascertaining the value of works arrived out by him and thereby facilitated the project Engineer to misappropriate the Government money. The petitioner is one of the six officials who are involved in the disciplinary proceeding.

3. The grievance of the petitioner is that he was issued a show cause notice under Rule 17(a) of Tamil Nadu Civil Services (Discipline & Appeal) Rules in disciplinary proceedings. The petitioner has submitted his explanation. Subsequently, a charge memo dated 27.10.2016 was issued. Aggrieved by the show cause notice and charge memo, the petitioner filed the present writ petition.

4. During the course of hearing, today, the learned Government Advocate has placed an order issued by the Government in G.O.(D).No.60 Rural Development and Panchayat Raj (E2) Department, dated 23.02.2024.



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5. The learned Government Advocate submits that the proposal of the Rural Development and Panchayat Raj has been examined with connected records. After examination, it has been decided to accept the recommendation of the Director of Rural Development and Panchayat Raj and accordingly, the Government ordered to drop the charges framed by the Director of Rural Development and Panchayat Raj against Thiru S.Jayakumaar, Formerly Project Director, District Rural Development Agency, Ramanathapuram District, later Additional Director of Rural Development, Office of the Director of Rural Development and Panchayat Raj, Chennai in the charge memo by waiving the procedure laid down under 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. A copy of the said G.O. Is placed on record.

6. In the light of issuance of the G.O.(D).No.60 Rural Development and Panchayat Raj (E2) Department, dated 23.02.2024, the relief sought for by the petitioner to quash the impugned show cause notice dated 27.06.2007 and charge memo dated 27.10.2007 issued by the second respondent need not be adjudicated.



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7. However, considering the facts and circumstances of the case and in view of the fact that the petitioner has already retired from service on attaining superannuation and in view of the present situation that the charges against the petitioner was dropped and enquiry was concluded, it is appropriate to direct the respondents to settle the benefits to the petitioner within the stipulated time to meet the interest of justice.

8. Accordingly, the writ petition is disposed of with a direction to the second respondent to settle the retiral and pensionary benefits to the petitioner within a period of two months from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petitions are closed.

No costs.

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Index : Yes/No

Internet: Yes/No

Speaking order/ Non speaking order



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BATTU DEVANAND, J

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To

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj,
(E2) Department,
Secretariat, Chennai-9.

2. The Director of Rural Development and
Panchayat Raj,
Chennai-15.

3. The Deputy Secretary to Government,
Rural Development and Panchayat Raj,
(E2) Department,
Secretariat, Chennai-9.

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