



W.P.No.24795 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.24795 of 2017

G.Stephen Sukumar Koil Pillai

... Petitioner

Vs.

1.State of Tamil Nadu
rep. by its Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai.

2.The District Collector,
Cuddalore District,
Tamil Nadu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned suspension order dated 30.03.2005 bearing Reference Pro.A2/7760/05-1, and the impugned order retaining in service and restraining me from retiring on reaching the age of superannuation vide order dated 31.03.2005 bearing Reference No.A2/7760/05-2, on the file of the 2nd respondent, quash the same and consequently, direct the respondents to permit the petitioner to retire from service with all terminal and pensionary benefits.



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For petitioner : Mr.C.V.Shailandhran
For respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

2.The petitioner was appointed as Junior Assistant in the Public Works Department on 03.08.1965 and thereafter, he was transferred to the Revenue Department on 01.01.1967. In the year 1997, while the petitioner was discharging his duties as Deputy Tahsildar, Tittagudi Taluk, Cuddalore District, during his tenure, a news item was published in Tamil dailies relating to a number of irregularities in the sanction of business loans and housing loans to Srilankan repatriates in Tittagudi Taluk, Cuddalore District, which resulted in appointment of three member Special Team by the 2nd respondent by an order dated 29.08.1997. Pursuant to the said enquiry, a report was submitted by the Special Team to the 2nd respondent and the same was forwarded to the Government. Based on the Enquiry Report, the Government was pleased



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to place the then Revenue Divisional Officer, Tahsildar and eight other Village Administrative Officers under suspension during the month of June 1998. Thereafter, the DVAC has registered a First Information Report against those officers who were suspended vide Crime No.8/AC/98/C1 dated 15.10.1998. The DVAC has submitted its Final Report under Section 173 of the Code of Criminal Procedure before the Court of Special Judge -cum- Chief Judicial Magistrate, Cuddalore, on 09.07.2003 vide Charge Sheet No.4/2003, wherein 13 persons have been arrayed as accused besides citing 109 witnesses and 720 documents.

3.The name of the petitioner was impleaded as accused in the said Charge Sheet. During the pendency of the Criminal proceedings, the petitioner attained the age of superannuation, due to the pendency of the Criminal case, the respondents did not permit the petitioner to retire from service. At this stage, the action of the respondents in not permitting the petitioner to retire from service on attaining the age of superannuation, the present Writ Petition has been filed.



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4. During the course of hearing, the learned Additional Government Pleader appearing for the respondents submits that the Criminal case in S.C.No.3 of 2003 wherein the petitioner was shown as accused, was disposed of by its Judgment dated 06.12.2019 by the learned Chief Judicial Magistrate, Cuddalore and the petitioner was convicted and sentenced to undergo Rigorous Imprisonment for a period of four years. Subsequently, the respondents initiated disciplinary proceedings against the petitioner and the petitioner participated in the disciplinary proceedings and subsequently, vide proceedings in Ref.No.A2/15817/2013 dated 05.06.2020 of the 2nd respondent, the petitioner was terminated from service. The learned Additional Government Pleader further submits that in view of the termination order issued by the 2nd respondent, nothing survives for further adjudication in this matter and the petitioner has to challenge the termination order, if so advised.

5. Having regard to the submissions of the learned counsel on either side and on perusal of the material available on record and in view of the fact that the 2nd respondent has issued proceedings dated 05.06.2020 and the petitioner was terminated from service, subsequent to



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the conviction of the Criminal case, in the considered opinion of this Court, the petitioner is not entitled for the relief sought for in this Writ Petition at present and as such, this Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed.

7. However, the petitioner is at liberty to avail his legal remedies against the termination order passed by the 2nd respondent, if so advised, in accordance with Law.

There shall be no order as to costs.

10.01.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
mps

To

1. The Secretary to the Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai.

2. The District Collector,
Cuddalore District,
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BATTU DEVANAND, J,

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