



WP(MD) No.12141 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12141 of 2024

P.Selvanayagam

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,
Revenue and Disaster Management Department,
Services Wing, Ser.2(1) Section,
Fort St. George,
Chennai - 9.

2.The Additional Chief Secretary / Commissioner of

Revenue Administration,
Revenue Administration and Disaster Management Department,
Ezhilagam,
Chepauk,
Chennai - 600005.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Government order in G.O.(2D).No.129 dated 30.05.2024 and the consequential impugned Government order in G.O.(2D).No.131 dated 31.05.2024 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondents to disburse the retirement benefits pension along with other consequential benefits.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : M.Lingadurai

Special Government Pleader

ORDER

The petitioner has filed this writ petition challenging the impugned G.O.(2D).No.129 dated 30.05.2024 and the consequential G.O.(2D).No.131 dated 31.05.2024 of the 1st respondent and consequently directing the respondents to disburse the retirement benefits/pension along with other consequential benefits.

2. Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.



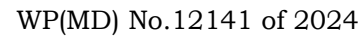
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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who was working as a Tahsildar and who is going to attain the age of superannuation on 31.05.2024, has been slapped with certain charges and that is under challenge in the present writ petition. The petitioner was kept under suspension on 30.05.2024 on the allegation that the petitioner had issued several free patta to several ineligible beneficiaries. The vigilance enquiry is said to have started long back. However, the vigilance officer has submitted his report on 09.02.2024. Even in the suspension order, the report of vigilance officer is shown, the petitioner was not allowed to retire, in view of the suspension.

5. The learned counsel for the petitioner further submitted that similarly placed person has already filed a writ petition in **W.P. (MD)No.26571 of 2022** and this Court has passed an order in favour of the petitioner therein on 26.04.2024, wherein, this Court has dealt with G.O.(Ms)No.144 Personnel and Administrative Reforms(N)



“15. The delayed action initiated by the Government in complete contradiction to its own Government orders would vitiate all the proceedings including the impugned order of suspension dated 31.10.2022 and the charge memo, dated 10.11.2022 issued by the first respondent.

*16. In this regard, it is appropriate to cite the judgment of the Division Bench of this Court held in **Joint Director of School Education and others Vs. C.Lesley Jayaseelan, (W.A(MD)No.116 of 2010, dated 23.2.2011)** wherein, it is held as under:*

“13. Therefore, we are of the opinion that the termination of service after a lapse of 22 years, would certainly affect the livelihood of his entire family at this length of time. Moreover, as observed by the learned single Judge, the appointment given to the respondent is not against any statutory regulations and moreover, the removal is not based on any misconduct. Therefore, we are of the considered view that the respondent, having been allowed to continue for



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over 22 years in Government service, will not be removed from service on the ground that he got employment on furnishing false information. Therefore, we do not find any infirmity in the order passed by the learned single Judge and under such circumstances, the writ appeal is liable to be dismissed.

Accordingly, the writ appeal fails and is dismissed. No costs. Consequently, connected M.P.is closed.”

17. After having allowed the petitioner to complete the service, now the respondent placed the petitioner under suspension and issued the charge memo stating that he has suppressed the material facts in securing the employment. Such kind of action itself is a mockery and that would not only cause inconvenience to the Government but also discourage the morale of the Government employees who rendered their services, till the date of attaining the age of superannuation.

18. In such circumstances, allowing the respondents to proceed with the Department proceedings would no doubt be prejudicial to the interest of the petitioner. There cannot be any other mental agony given to an employee than by placing



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him under suspension exactly on the date of his superannuation.

19. This is a typical case where the powers of the Government shall not be exercised in a way prejudicial to the interest of an employee whose services have been utilized for a quarter Century. So without any doubt, the impugned suspension order, dated 31.10.2022 and the charge memo, dated 10.11.2022 issued by the first respondent are illegal and are liable to be set aside.

*20. Hence, the Writ Petition is **allowed** and the impugned order of suspension, dated 31.10.2022 and the charge memo, dated 10.11.2022 issued by the first respondent are set aside. The respondents are directed to permit the petitioner to retire from service with effect from 31.10.2022 with all attendant benefits and release the terminal benefits within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”*

7. Since the petitioner is also similarly placed, he is also entitled to the similar relief granted in **W.P.(MD)No.26571 of 2022**



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dated 26.04.2024.

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8. Following the same, this writ petition is **allowed** and the impugned Government Order in G.O.(2D) 129 dated 30.05.2024 and the consequential impugned Government Order in G.O.(2D) 131 dated 31.05.2024 issued by the first respondent are set aside. The respondents are directed to permit the petitioner to retire from service with effect from 31.05.2024 with all attendant benefits and release the terminal benefits within a period of six weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12141 of 2024

Dated:
10.06.2024