



W.P.(MD)Nos.14847 of 2024 & 14353 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.14847 of 2024 & 14353 of 2022 &
W.M.P.(MD)Nos.13009 of 2024 & 10254 of 2022

W.P.(MD)No.14847 of 2024

Dhandapani

... Petitioner

vs.

1.The Secretary,
Rural Development and Panchayats
Raj Department,
Secretariat, St.George,
Chennai.

2.The Director of Rural Development Department,
Panangalmaligai, Saidapet,
Chennai.

3.The District Collector,
Trichy District, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records pertaining to the Impugned Charge Memo issued by the 3rd respondent vide his proceedings in Na.Ka.Thaa8/458/2020, dated 14.05.2024 and



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quash the same as illegal and violative of principle of natural justice and consequently direct the respondents 1 to 3 to permit the petitioner to retire from service and disburse retirement benefits with interest and pension to him.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

W.P.(MD)No.14353 of 2022

Dhandapani

... Petitioner

vs.

1.The Secretary,
Rural Development and Panchayats
Raj Department,
Secretariat, St.George,
Chennai.

2.The Director of Rural Development Department,
Panangalmaligai, Saidapet,
Chennai.

3.The District Collector,
Trichy District, Trichy.

4.The Joint Director / Project Director,
Women Project Execution Unit,
Tiruchirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Orders passed by the first respondent dated 31.03.2020 vide his proceedings in G.O.(2D).No.31 and G.O.(2D).No.32 and quash the same as illegal and violative of principle of natural justice and consequently direct the respondents to 3 to permit the petitioner to retire from service and disburse retirement benefits and pension to him.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

COMMON ORDER

Heard Mr.S.Krishnan learned counsels appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed these writ petitions seeking to quash the charge memo issued by the third respondent in Na.Ka.Thaa8/458/2020, dated 14.05.2024 and the impugned orders of the first



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respondent in G.O.(2D).No.31 and G.O.(2D).No.32 dated 31.03.2020 and consequently to direct the respondents 1 to 3 to permit him to retire from service and disburse retirement benefits with interest and pension.

3. The petitioner who was working as an Assistant Director in the Rural Development and Panchayat Raj Department has attained superannuation on 31.03.2020. However, exactly on the date of his superannuation he was placed under suspension on the allegation that inquiry into grave charges i.e., possession of disproportionate assets to his known source of income is pending against him. Hence, the petitioner was not allowed to retire and to that effect, an order has been passed on 31.03.2020 itself.

4. The petitioner filed a writ petition in W.P.(MD)No.14353 of 2022 challenging both the order of suspension and order not allowing him to retire. Thereafter, he has not been given with any charge memo on the allegation of possession of disproportionate assets. However, a criminal case has been registered against him in Crime No.8 of 2020 by the



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Vigilance and Anti Corruption Department, Trichy. However further charges were dropped at the conclusion of the investigation. In fact, a Government Order in G.O.(D)No.16, Rural Development and Panchayat Raj (E2) Department dated 10.01.2024 has also been issued by dropping all further actions by accepting the recommendations of the appropriate investigating authority.

5. In such case, the purpose for which the petitioner had been kept under suspension itself will be lost and the first respondent ought to have cancelled the suspension and allowed the petitioner to retire. But, the conclusion of the criminal proceedings by dropping the allegation of possession of disproportionate assets, has not resulted in revocation of suspension order or allowing the petitioner to retire. However, the third respondent has issued a charge memo to the petitioner stating that he had purchased property measuring 5 cents on 09.11.2019 and 3 cents on 24.04.2018 without getting prior permission. The petitioner has not been placed under suspension on these allegations and the allegations for which the petitioner was kept under suspension has already been dropped



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in view of the recommendation made by the Vigilance and Anti Corruption Department.

6. The petitioner had been given with charge memo for not obtaining prior permission for certain purchase of land made by him in the years 2018 and 2019, only in the year 2024 and that too, after the petitioner had attained the age of superannuation. Even though the petitioner had purchased the properties without obtaining prior permission, that was not taken note of and no action has been initiated till his superannuation. The investigating authority has also given a clear chit to the petitioner stating that he did not possess any assets disproportionate to his known source of income. So, the petitioner's purchase of 5 cents on 09.11.2019 and 3 cents on 24.04.2018 cannot be viewed seriously at this stretch of time.

7. In fact, the petitioner has stated in his representation that he has already submitted an application seeking prior permission and in view of the action taken by the Vigilance and Anti Corruption Department, all



the documents including the property documents have been taken away and hence, he did not know as to whether the permission letter if any given by the third respondent has also been taken away.

8. Whatever may be the case, after having taken action on the allegation that the petitioner had possessed disproportionate assets to his known source of income and that had ended in favour of the petitioner, the petitioner ought to have been allowed to retire. In view of the same, impugned order of suspension and the order not allowing the petitioner to retire are liable to be quashed. Furthermore, considering the inordinate delay in initiating disciplinary action on the allegation that prior permission was not obtained by the petitioner for purchase of certain properties and considering the holistic circumstances, I feel it is appropriate to quash the impugned charge memo also.

9. In view of the above observations, the writ petition are **allowed** and the impugned charge memo issued by the third respondent in Na.Ka.Thaa8/ 458/2020, dated 14.05.2024 and the impugned orders of



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the first respondent in G.O.(2D).No.31 and G.O.(2D).No.32 dated 31.03.2020 are quashed. The respondents 1 to 3 are directed to pass orders allowing the petitioner to retire from service within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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