



WP(MD) No.17679 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17679 of 2024

and

W.M.P.(MD)Nos.15167 & 15169 of 2024

Krishnakumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildhar,
Karaikudi Taluk,
Sivagangai District.

4.The Joint Registrar,
Co-operative Societies,
Co-operaive Department,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned order passed by the 2nd respondent in Roc.A2/1254/2024 dated 27.06.2024 and quash the same and consequently direct the respondents 1 to 3 to disburse the retirement and pensioner benefits to the petitioner with all other consequential monetary benefits within a specific time that may be fixed by this Court.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned order passed by the 2nd respondent in Roc.A2/1254/2024 dated 27.06.202, and also seeking for a direction to the respondents 1 to 3 to disburse the retirement and pensionary benefits to the petitioner with all other consequential monetary benefits within a specific time that may be fixed by this Court.

2. Heard the learned counsel on either side.



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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 was appointed as Village Administrative Officer on 18.12.2013. While the petitioner was about to retire on 30.06.2024, the impugned order has been passed by the second respondent permitting him to retire without prejudice to the pending disciplinary proceedings and concurrence given to the Co-operative Department against him to prosecute criminal proceedings, which shall be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978 in accordance with the procedure laid down in the said Rules. Challenging the same, this writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the charge memo dated 14.06.2024, which is mentioned in the impugned order has not been served upon the petitioner and the impugned order dated 27.06.2024 was passed on the wrong notion that there are certain charges pending against the petitioner. The petitioner presumes that the



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charges mentioned in the impugned order might relate back to the functions executed by the petitioner in his capacity as Village Administrative Officer during the year 2016. Unless the petitioner gets the charge memo, it is not possible to ascertain whether the charges relate to the incidents as presumed by the petitioner.

6. On perusal of the materials available on record, it is seen that the impugned order has been passed by permitting the petitioner to retire from service without prejudice to the pending disciplinary proceedings and concurrence given to the Co-operative Department against him to prosecute criminal proceedings, which shall be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978 in accordance with the procedure laid down in the said Rules. It is meant that in respect of the pending charge memo, approval was given to prosecute criminal proceedings against the petitioner as per the rules prescribed under law. The petitioner seems to have approached this Court at a pre-matured stage and on this ground alone, this writ petition is liable to be dismissed.



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7. It is the grievance of the petitioner that the show cause notice has not been served upon the petitioner. The respondents ought to have given a copy of the charge memo and the order of sanction, if any granted for initiating criminal proceedings to the petitioner. Unless the said charge memo is served upon the petitioner, he cannot know about the charges pending against him. It is also to be noted that it is not known as to whether the petitioner was really issued with the copy of the charge memo or not.

8. In view of the aforesaid observations, this Writ Petition is disposed of. The respondents shall give a copy of the charge memo and the order of sanction, if any granted for initiating criminal proceedings, to the petitioner within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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- 3.The Tahsildhar,
Karaikudi Taluk,
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Co-operative Societies,
Co-operaive Department,
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Order made in
W.P.(MD)No.17679 of 2024

31.07.2024