



W.P.(MD).No.17426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17426 of 2024

and

W.M.P(MD) Nos.14957 and 14958 of 2024

D.Venkataraman

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai – 600 009.

2. The Transport Commissioner,
Commissionerate of Transport and
Road Safety,
Guindy, Chennai – 600 032.

... Respondents

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 order of suspension in G.O.(2D) No.161, Home (Transport – II) Department, dated 30.05.2024 and the consequential order of retention in service G.O.(2D) No.166, Home (Transport – II) Department, dated 31.05.2024 on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to permit the



W.P.(MD).No.17426 of 2024

petitioner to retire with all service and monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Joint Transport Commissioner (Enforcement), challenging two Government Orders under which he has been placed under suspension and he has been retained in service.

2. A perusal of the said Government Orders reveal that the petitioner is implicated in a criminal case under the Prevention of Corruption Act, and the same is under investigation.

3. According to the learned counsel appearing for the writ petitioner, the criminal case is of the year 2022 and so far, charge sheet has not been



W.P.(MD).No.17426 of 2024

WEB COPY

laid. In such circumstances, the petitioner cannot be kept under suspension and retained in service for a longer period awaiting the disposal of the criminal case.

4. Per contra, the learned Additional Advocate General appearing for the respondents herein had contended that in view of the pendency of the criminal investigation as against the writ petitioner, as per FR 56(c) the petitioner has to be naturally retained in service.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. It is not in dispute that the petitioner has been arrayed as an accused in regular case R.C.No.65/ 2022/TPT/CC-II, in connection with the commission of demanding bribe amount in the subject matter of promotion panel of the Assistants.

7. The Fundamental Rule 56 (1) (c) states that a Government servant, who is under suspension, pending investigation shall not be permitted by the



W.P.(MD).No.17426 of 2024

appointing authority to retire, on his reaching the age of retirement, but shall be retained in service until investigation in the charge of criminal case is completed.

8. In the present case, in view of the pendency of a criminal case as against the writ petitioner, the appointing authority has no other option except to retain him in service. In such circumstances, this Court does not find any merits in the writ petition.

9. Accordingly, this Writ Petition stands dismissed with liberty to the writ petitioner to revive his request seeking permission for retirement as and when the criminal case is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.11.2024

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



WEB COPY



W.P.(MD).No.17426 of 2024

To

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai – 600 009.
2. The Transport Commissioner,
Commissionerate of Transport and
Road Safety,
Guindy, Chennai – 600 032.



WEB COPY



W.P.(MD).No.17426 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.17426 of 2024

05.11.2024