



W.P.(MD).No.18495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18495 of 2024

and

W.M.P.(MD)Nos.15720 and 15722 of 2024

L.Venkataraman

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 600 009.
- 2.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 600 009.
- 3.The Director of Municipal Administration,
Urban Administrative Office Campus,
75, Santhome High Road,
Raja Annamalaipuram,
Chennai – 28.



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4.The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur, Chennai – 600 016.

5.The Commissioner,
Trichy Corporation,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the third respondent vide proceedings in ந.க.எண்:16053/2024/பொந் 1 – 2 dated 22.07.2024 and the consequential impugned order issued by the fifth respondent vide proceedings in ந.க.எண்:3640/2024/சு4 (மெய்யம்) dated 25.07.2024 and quash the same as illegal and consequently direct the respondents to permit the petitioner to go for a VRS and disburse the retirement benefits due to the petitioner within the period stipulated fixed by this Court.

For Petitioner	: Mr.S.Mohamed Suhail For M/s.Ajmal Associates
For R-1 to R-3	: Mr.S.Shanmugavel Additional Government Pleader
For R-4	: Mr.K.R.Kishore Ram For R.B.Law Associates
For R-5	: Mr.S.P.Maharajan Special Government Pleader



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ORDER

Heard Mr.S.Mohamed Suhail, for M/s.Ajmal Associates, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents 1 to 3, Mr.K.R.Kishore Ram, for R.B.Law Associates, learned counsel for the 4th respondent and Mr.S.P.Maharajan, learned Special Government Pleader for the 5th respondent.

2. This Writ Petition has been filed seeking to quash the order of the third respondent dated 22.07.2024 and the consequential order of the fifth respondent dated 25.07.2024 and consequently direct the respondents to permit the petitioner to go for a VRS and disburse the retirement benefits due to the petitioner.

3. The petitioner who is working as Assistant Commissioner in the Respondent Corporation has offered a voluntary retirement by giving a letter dated 23.04.2024. However his offer was rejected on the ground



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that there are some audit objections pending. Now, the petitioner omitted to recover time barred debt and that is the responsibility of the petitioner and that criminal case is also pending. So far as the criminal case is pending, the Directorate of Vigilance and Anti Corruption had already intimated the respondents that no enquiry and investigation is pending in respect of the petitioner in any of the Vigilance and Anti Corruption cases.

4. But however, the learned counsel for the respondents submitted that FIR is pending before CBCID.

5. In respect of the audit objection, it is for the fourth respondent to take a call either to abide by the objections or to give clarification and close the audit objections. In case, any of the details to be submitted by the petitioner that can be obtained from the petitioner. The other objections with regard to the outstanding time barred debts are concerned, it is seen that the fifth respondent did not take any action against the respondents thereafter. With regard to the pending criminal case, the fourth respondent shall find out whether the petitioner is also an



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accused before raising the said objections as a reason for not allowing to go on for voluntary retirement.

6. In view of the above stated reasons, this Writ Petition is **disposed of** with a liberty to the petitioner to give a fresh offer to go on voluntary retirement, if so intends and on receipt of the same, the fourth respondent shall consider the same in the light of the above observations and pass appropriate orders. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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