



W.P(MD)No.19690 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19690 of 2024

and

W.M.P(MD)No.16688 of 2024

K.Chelladurai

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Assistant Director,
Mandala Municipality,
Dindigul,
Dindigul District.

3.The Executive Officer,
Punjai Thottakurichi Panchayat,
Karur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the impugned suspension order dated 30.07.2024 under reference in Na.Ka.No.29/2024 passed by the 3rd respondent and consequently quash the same as illegal and erroneous forthwith.

For Petitioner : Mr.J.Jeevin

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 & R2
Mr.P.Subbaraj
Special Government Pleader for R3

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ORDER

The instant writ petition has been filed challenging an order of suspension dated 30.07.2024, when the petitioner was about to retire on 31.07.2024.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was working as a Over Head Tank operator and he was placed under suspension and issued with a charge memo dated 10.04.2023, an enquiry officer was appointed by the Director of Town Panchayats.

3. The Executive Officer of the Town Panchayat has placed the petitioner under suspension by way of impugned order dated 30.07.2024. However, no orders have been passed by the Government extending the services/retaining the writ petitioner beyond the date of superannuation on 31.07.2024. Hence he prayed for quashing the order of the suspension order.

4. Per contra, the learned Special Government Pleader appearing for the respondent had contended that it is not necessary to pass any specific orders retaining the petitioner in service and the order of suspension issued by the competent authority would be enough to retain the petitioner in service after the



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petitioner has attained superannuation.

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5.I have carefully considered the submission made on either side and perused the materials available on record.

6.It is not in dispute that the petitioner has been issued with a charge memo under Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955. It is also not in dispute that the petitioner is governed by the Fundamental rules. The petitioner has been placed under suspension by the Executive Officer of the Town Panchayat on 30.07.2024 and unless retention order is issued by the Government, his services will not get extended beyond 31.07.2024.

7.In the present case, when his services have not been retained or extended beyond the date of superannuation, the order of suspension gets terminated on 31.07.2024 itself. In such circumstances, this Court is the considered opinion that since the impugned order of suspension has already got worked itself out on 31.07.2024, quashing of said suspension order after 31.07.2024 does not arise. The petitioner has to be treated to have superannuated from service on 31.07.2024.



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8. With the above said observations, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is also closed.

29.08.2024

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

RJR



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R.VIJAYAKUMAR, J.

RJR

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