



W.A.(MD) No.2141 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.2141 of 2024
and
C.M.P.(MD) No.15115 of 2024**

1.The State of Tamil Nadu,
Rep by its Secretary,
Revenue and Disaster Management Department,
Services Wing, Ser.2(1) Section,
Fort St George, Chennai - 9.

2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Revenue Administration and Disaster
Management Department,
Ezhilagam, Chempauk,
Chennai-600 005.

... Appellants

-VS-

P.Selvanayagam,
Special Deputy Collector / Land
Acquisition (under Suspension),
SIPCOT, Thoothukudi,
Thoothukudi District.

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order, dated 10.06.2024, passed in W.P.(MD)No.12141 of 2024.

For Appellants : Mr.S.R.A.Ramachandran,
Addl. Government Pleader.

For Respondent : Mr.T.Aswin Rajasimman

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Heard Mr.S.R.A.Ramchandran, learned Additional Government Pleader appearing for the appellants and Mr.Aswin Rajasimman, the learned counsel appearing for the respondent.

2.The sole ground on which the Writ Court had interfered with the orders impugned in the writ petition is that they are in violation of



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G.O.(Ms)No.144 Personnel Administrative Reforms (N) Department, dated 08.06.2007 as well as the judgment of this Court made in W.A.(MD)No.116 of 2010 dated 23.02.2011. Admittedly, the respondent who was a government servant was kept under suspension on 30.05.2024 and was not allowed to retire by order dated 31.05.2024. The charges against the respondent were that he had issued patta to several ineligible beneficiaries. The vigilance officer had submitted a report on 09.02.2024. However, the suspension had emanated only on 30.05.2024. The appellants were aware of the fact that there had been irregularities and the vigilance report had been submitted even on 09.02.2024. Despite the same, no action was taken till the day prior to the retirement. We suspect that there is very strong collusion between the disciplinary authority and delinquent employee. However, our hands are tied because of the action of the Government in issuing G.O.(Ms)No.144 laying down guidelines for passing order of suspension prior to the date of retirement and also judgment of this Court in W.A.(MD)No.116 of 2010 wherein the Government order was considered and it was held that if the disciplinary authority had knowledge of the delinquency three months prior to the date of retirement when suspension order cannot be passed the day prior to the retirement. Hence, we are forced to uphold



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the judgment of the learned Single Judge. The writ appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : No
Index : No
ias

[R.S.M., J.] [L.V.G., J.]
29.10.2024

To:

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