



W.P.(MD).No.27954 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27954 of 2024

and

W.M.P(MD)Nos.23709 & 23710 of 2024

K.Muthuramalingam

... Petitioner

Vs

1.The Secretary,
Government of Tamilnadu,
Food and Co-operation Department,
Chennai.

2.The Deputy Registrar Housing,
Chinna Chokkikulam, Madurai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records made in the impugned Letter No.2597/CD/2/001-17 dated 29.07.2024 passed by the first respondent and quash the same and further direct the first respondent to close all proceedings by revoking the order of suspension dated 31.01.2006, retire him with all service and pensionary benefits with due interest.



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For Petitioner

: Mr.M.V.Venkateseshan
Senior Counsel
for
Mr.S.Vellaichamy

For Respondents

: Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant writ petition has been filed by a former Deputy Registrar of Cooperative Society, challenging the order passed by the first respondent herein on 29.07.2024, wherein, the request of the petitioner to permit him to retire from service has been rejected.

2. A perusal of the records reveal that when the petitioner was about to attain superannuation on 31.01.2006, he was issued with a charge memo, suspension order and retention order on the same day. The petitioner had submitted his explanation to the charge memo and the matter was referred to Tribunal for Disciplinary Proceedings, Coimbatore. After completion of enquiry by the Tribunal, a report was submitted on 06.06.2007. A show cause notice was issued to the writ petitioner calling upon him to submit his further explanation and accordingly the petitioner submitted his further explanation on 31.01.2008. Thereafter, the first respondent has not passed any final orders pursuant to the enquiry report.



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3. The petitioner has continuously sent representations to the first respondent herein to pass final orders on the report submitted by the Tribunal for Disciplinary Proceedings, Coimbatore. Since there was no response, the petitioner had filed W.P.(MD).No.3951 of 2024 seeking a mandamus to consider the petitioner's representation dated 18.11.2021 and 07.08.2023. This Court by an order dated 26.02.2024, had issued a direction to the first respondent herein to dispose of the representation of the petitioner within a period of four weeks from the date of receipt of a copy of the order. Only, thereafter, the present impugned order has been passed by the first respondent on 29.07.2024, rejecting the request of the writ petitioner.

4. A perusal of the impugned order reveals that since a criminal case is pending as against the writ petitioner, the request of the petitioner for revocation of suspension or for permission to retire cannot be decided by the authorities. This order is put to challenge in the present writ petition.

5. According to the learned Senior Counsel appearing for the writ petitioner, though the petitioner had attained superannuation on 31.01.2006, so far no criminal case has been registered as against him.



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6. The learned Additional Government Pleader submits that as per instructions given by the Deputy Registrar (Housing), Madurai, no criminal case is pending as against the writ petitioner as on today. However, it is not known how there is a reference about a criminal case in the impugned order.

7. Heard both sides and perused the records.

8. The petitioner is under suspension from the year 2006 onwards for the past 18 years. Even though enquiry report have been submitted to the first respondent herein so far no final orders have been passed. In such circumstances, this Court is inclined to pass the following orders:

i) The first respondent is directed to pass final orders **on or before 31.03.2025.**

ii) In case, if no such final orders are passed before 31.03.2025, the petitioner shall be deemed to have retired from service with effect from 31.01.2006, and he shall be entitled to all retirement benefits along with 6% interest from the said date onwards.



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9. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

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

1.The Secretary,
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Food and Co-operation Department,
Chennai.

2.The Deputy Registrar Housing,
Chinna Chokkikulam, Madurai.



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R.VIJAYAKUMAR, J.

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