



WEB COPY



W.P.No.23623 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.P.No.23623 of 2025

and

W.M.P.Nos.26561,26562 & 26565 of 2025

S.Vembarasi

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Commercial taxes,
Ezhilagam,
Chepauk, Chennai - 5.
3. The Vigilance Commissioner,
Secretariat,
Chennai - 9.
4. Joint Commissioner (ST),
Commercial taxes,
District Office,
Thiruvarur Division,
Thiruvarur District.
5. The Commercial Tax Officer,
Office of the Commercial tax officer,
Thiruthuraipoondi Assessment circle,
Thiruvarur Division,
Thiruvarur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in proceedings no.CD2/8317637/2024-I dated 03.06.2025 and quash the same and direct the respondents to permit the petitioner to allow to retire from service.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mrs.Vasanthamala
Government Advocate for R1 to R5

ORDER

The writ petition is filed challenging the impugned suspension order dated 03.06.2025 and to direct the respondents to permit the petitioner to allow to retire from service.

2. The case of the petitioner is that he was due to retire on 30.06.2025. However, to his shock, the impugned suspension order dated 03.06.2025 was issued him without affording sufficient opportunity to defend his case. Hence the petition.



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3. Learned Counsel for the petitioner would submit that the petitioner is due to retire on 30.06.2025, whereas on the false allegation, he has been charged under Prevention of Corruption Act in Crime No.3 of 2024 on the file of V & AC and based upon the V & AC complaint, the petitioner was suspended from service and not allowed to retire. His further submission is that under Section 56(1)(c) of the Fundamental Rules, on the date of superannuation, the petitioner should be allowed to retire. Hence prayed to interfere with the impugned order.

4. Mrs.Vasanthamala, learned Government Advocate who takes notice for the respondents would contend that only based on the complaint given by one Sivaraman, on sudden inspection, it was found that the petitioner is involved in corrupt practices. Hence the First Information Report was registered and the petitioner was issued with the impugned suspension order and thereafter, on 05.06.2025, a charge memorandum was issued and on 23.06.2025, enquiry officer was appointed and they would complete the enquiry as expeditiously as possible.



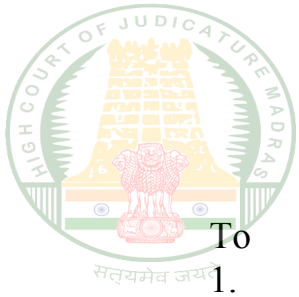
5. I have given anxious consideration to the submission on either

6. On the face of it, the petitioner was suspended on the ground of corruption charge. Hence, this Court do not find any public interest to interfere with the impugned suspension order. Apart from that, the concerned Authority has also initiated action by issuance of charge memorandum as well as appointing Enquiry Officer.

7. In such view of the matter this Court does not find any merits in the instant writ petition and stands dismissed. However, if the petitioner has got any claim against the respondents, he is at liberty to give representation to the respondents and of course, it is the duty of the respondents to consider the same and pass orders on it's own merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2025

veda
Index:Yes/No
Speaking order
Neutral Citation:Yes/No



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C.KUMARAPPAN, J.

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