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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 23507 of 2023

and

WMP No.23019 of 2023

K.M.Thamizharasu

Petitioner(s)

Vs

1. State of Tamil Nadu

Rep. By its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Director Of Rural Development and Panchayat Raj,
O/o. The Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai - 600 015.

3.The District Collector ,
Tiruvallur District, Tiruvallur.

4.The Principal Accountant General (Tamil Nadu),
O/o. The Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying



for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd Respondent in Rc.No. 880836/2023/PA2 dated 28.06.2023 and the subsequent impugned proceedings issued by the 3rd respondent in Rc.No.880836/2023/PA2 dated 30.06.2023 and to quash the same and consequently, directing the respondent to allow the petitioner to retire from service from the post of Deputy Block Development Officer (NMP) as on the date of retirement on 30.06.2023 with all consequential and other attendant benefits, including arrears of salary with regular pension along with interest within a time frame to be fixed by this Court.

For Petitioner(s): Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondent(s): Mr. R.U.Dinesh Rajkumar
Additional Government Pleader
for R1 to R4
Mr.P.Mano Rajan for R4

ORDER

This writ petition has been filed challenging the order of suspension dated 28.06.2023, passed by the third respondent and also the subsequent order dated 30.06.2023, passed by the third respondent, thereby not allowing the petitioner to retire from service.



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2.The case of the petitioner is that while he was in service as Deputy Block Development Officer (NMP), he was suspended from service on 26.02.2011 pursuant to the registration of an FIR in crime No.29 of 2012 for the offences under Sections 406, 408 and 409 IPC. Thereafter, the petitioner was served with three sets of charge memos, and he was imposed punishment in all the three sets of charge memos by way of stoppage of increment. However, on the date of his attaining superannuation, he was not allowed to retire from service on the ground that the criminal case is still pending. Further, the case is of the year 2012 and only recently the Investigation Officer has filed the final report, which has been taken on file by the Trial Court in C.C.No.1129 of 2025. Subsequently, G.O.Ms.No.47 Human Resources Management (FR – III) Department, dated 29.08.2025, was passed. Pursuant to which, Rule 56 (1) (c) of the Fundamental Rules has been amended and allowed the Government Servants who are facing disciplinary proceedings to retire from service, since suspension cannot be prolonged beyond the date of their superannuation.



3. In view of the above, the third respondent is directed to pass appropriate orders to allow the petitioner to retire from service from the post of Deputy Block Development Officer (NMP) as on the date of his attainment of superannuation i.e, on 30.06.2023, in the light of G.O.Ms.No.47 Human Resources Management (FR – III) Department, dated 29.08.2025, within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands disposed of. No costs.
Consequently, connected miscellaneous petition is also closed.

25-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
sli

G.K.ILANTHIRAIYAN, J.

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To

1. State of Tamil Nadu



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