



W.P.No.30744 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30744 of 2018 and
W.M.P.No.35888 of 2018

R.Ganesan

... Petitioner

Vs.

1.The Secretary to Government,
Revenue (Services 2) Department,
Fort St.George, Chennai - 9.

2.The District Collector,
Namakkal District, Namakkal.

3.The Revenue Divisional Officer,
Namakkal, Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in connection with the impugned order passed by him in ROC No.3318/2017/A1 dated 30.06.2017 and ROC.No.3318/2017/A1 dated 30.06.2017 and quash the same and direct the respondents to superannuate the petitioner from service and grant him all consequential service and pensionary benefits.



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For Petitioner : Mr.K.Santhosh Kumar for
M/s.M.Muthappan
For Respondents : Mr.T.Chezhiyan, AGP

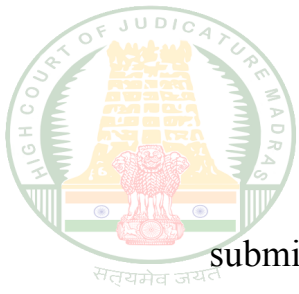
ORDER

This Writ Petition has been filed to call for the records of the third respondent in connection with the impugned order passed by him in ROC No.3318/2017/A1 dated 30.06.2017 and ROC.No.3318/2017/A1 dated 30.06.2017 and quash the same and direct the respondents to superannuate the petitioner from service and grant him all consequential service and pensionary benefits.

2. Heard Mr.K.Santhosh Kumar, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner was appointed as a Village Administrative Officer, Namakkal on 19.02.2005. As per the impugned order dated 30.06.2017, the petitioner was kept under suspension on the verge of his retirement (i.e) on 30.06.2017 on the allegation that he was involved in the mal practice by giving a false certificate.

4. The learned Additional Government Pleader for the respondents



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submitted that for the very same relief, the petitioner has already filed W.P.No.19121 of 2017 in which, this Court has passed the following order:

"6. This Court is not in a position to issue a direction at this point of time. Such a direction will have to be considered only after the issuance of charge memo and on appointing the Enquiry Officer. However, this Court is of the opinion that the writ petitioner was due for retirement on 30.06.2017 and the Disciplinary Authority, on initiation of the disciplinary proceedings, has to proceed with the proceedings and conclude the same as early as possible without any further delay, since the delay will affect the settlement of the retiral benefits of the writ petitioner. In this view of the matter, no further adjudication is to be undertaken in this writ petition."

5. The disciplinary authority has to conduct an enquiry and render a finding on the allegations made against the petitioner. The petitioner has rushed to the Court in a pre-matured manner without participating in the disciplinary proceedings. However, considering the urgency



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expressed by the petitioner, I feel it is appropriate to issue a suitable direction.

6. In the result, this Writ Petition is disposed and the third respondent is directed to conclude the enquiry within a period of six weeks from the date of receipt of a copy of this order. In fact, for the very same relief, the earlier Writ Petition has been filed and an order has been passed by dismissing the same, the petitioner has not been given with any subsistence allowance. The petitioner shall make a representation in this regard to the third respondent and the third respondent shall consider and pass appropriate orders in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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