



W.P.(MD)No.5541 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5541 of 2025

S.Muththaiya

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Collectorate,
Tirunelveli.

3.The Tahsildar,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to permit the petitioner to allow the retirement as he attains superannuation on 31.03.2025, by considering the representation, dated 20.01.2025 within a time frame.



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For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The case of the petitioner is that he was appointed as Village Assistant on 04.01.1991. He has been working as Village Assistant in Munnerpallam, Tirunelveli District for past 34 years. The petitioner was arrayed as an accused in Crime Nos.66 of 2008 and 10 of 2000 on the file of the District Crime Branch, Tirunelveli. Though charge sheets were filed and numbered as C.C.Nos.1115 of 2023 and 1068 of 2023 before the Judicial Magistrate – I, Tirunelveli, no further progress in the said criminal cases. The petitioner was temporarily placed under suspension with effect from 01.06.2000 by the third respondent. He was reinstated into service by virtue of an order, dated 25.06.2002 in O.A.No.5694 of 2000. In the mean time, charges were framed against the petitioner under Section 17 (e) of the Tamil Nadu Civil Service (D&A) Rules and enquiry was conducted. As the charges made against the



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petitioner were proved, he was imposed with punishment of stoppage of increment of two years with cumulative effect. As no appeal was filed, it has become final. The petitioner suffered the punishment. Though criminal cases registered against the petitioner are no way connected to the course of employment of the petitioner and it is purely civil in nature and the petitioner is going to retire on 31.03.2025, he made a request to the respondents to allow him to retire from service based on his representation, dated 20.01.2025. With apprehension that the respondents may not be allowed him to retire from service due to the pendency of criminal cases, the petitioner made a representation and subsequently, filed this writ petition seeking a writ of Mandamus to direct the respondents to consider the representation, dated 20.01.2025 within a time frame.

3. Having heard the submissions of the respective learned counsels and on perusal of the materials available on record, it is an admitted fact that the disciplinary proceedings initiated against the petitioner are ended against the petitioner by imposing the punishment of stoppage of increment of two years with cumulative effect and it has become final. The petitioner suffered the said punishment. Though charge sheets were filed in the criminal cases and



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numbered as C.C.Nos.1068 and 1115 of 2023 before the Judicial Magistrate – I,

Tirunelveli, it is also admitted that no progress in the said criminal cases.

4. Under these circumstances, this Court is of the considered view to dispose of this writ petition at the admission stage with the consent of both parties without going into the merits of the case with a direction to the respondents to consider the representation, dated 20.01.2025 of the petitioner in accordance with law within a stipulated time to meet the ends of justice..

5. Accordingly, the writ petition is disposed of with a direction to the respondents to consider the representation, dated 20.01.2025 of the petitioner in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

03.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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BATTU DEVANAND, J.

Sn

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