

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18100 of 2015

A.Chinnadurai

... Petitioner

-Versus-

1. The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents to pass final orders pursuant to the impugned charge memo issued by the 1st respondent in Na.Ka.No.A2/14563/2008 dated Nil-04-2013 within a stipulated period to be fixed by this court.

For petitioner : Mr.R.Subburaj

For Respondents : Mr.K.V.Dhanapalan,
Additional Government Pleader

ORDER

Considering the limited scope of the prayer sought for in the writ petition, by consent, the writ petition itself is taken up for final disposal.

2. The petitioner was a Special Tahsildar in the Revenue Department. While he was in service a charge memo under Rule 17(b) of The Tamil Nadu Civil Services [Discipline and Appeal] Rules was issued to the petitioner by the 1st respondent. Subsequently, the 1st respondent by his proceedings in Rc.A2/14563/2008 dated 31.12.2013 allowed the petitioner to retire from service on attaining the age of superannuation on 31.12.2013 and the charge under Rule 17(b) of The Tamil Nadu Civil Services [Discipline and Appeal] Rules was ordered to be continued under Rule 9 of The Tamil Nadu Pension

Rules. Now, the grievance of the petitioner is that though the enquiry officer was appointed as early as on 29.11.2013 till today no enquiry has been conducted by the enquiry officer. In this regard, he submitted a representation dated 19.09.2014 to the 1st respondent for the early disposal of the disciplinary proceedings, but, so far no action has been taken to complete the disciplinary proceedings. Hence, seeking to direct the 1st respondent to pass final orders on the disciplinary proceedings pending against the petitioner under Rule 9 of the Tamil Nadu Pension Rules, the petitioner has come forward with this writ petition.

3. I have heard the submissions made on either side.

4. Considering the limited scope of the prayer and taking into consideration of the fact that admittedly the petitioner was allowed to retire from service on 31.12.2013 on attaining the age of superannuation, without going into the merits of the case, the 1st respondent is directed to complete the departmental proceedings pending against the petitioner under Rule 9 of the Tamil Nadu Pension Rules and pass final orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.

+1cc to Mr.R.Subburaj, Advocate, S.R.No.31127
+1cc to the Government Pleader, S.R.No.31320

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SVI (CO)
CA(01/07/2015)