

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18143 of 2015

G.Sudarsana Choudry

... Petitioner

-Versus-

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.

2.The Secretary to Government,
Municipal Administration and Water Supply
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 2nd respondent to pass orders on the complete enquiry proceedings (in 2010 itself) and consequently direct the respondents to release the DCRG amount due to the petitioner as on 31.08.2007 along with interest @ 12% as admissible under Rule 45-A of The Tamil Nadu Pension Rules, 1970 within a reasonable time to be fixed by this court.

For petitioner : Mr.T.Ranganathan

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner was working as Commissioner in Nagercoil Municipality. While he was in service, on 14.08.2007, he was issued with a charge memo under Rule 17(b) of The Tamil Nadu Civil Services (Discipline and Appeal) Rules. On 31.08.2007, he reached the age of superannuation and he was allowed to retire from service on 31.08.2007 with a direction to continue the disciplinary proceeding initiated under Rule 17(b) of The Tamil Nadu Civil Services (Discipline and Appeal) Rules as a proceeding under Rule 9 of The Tamil Nadu Pension Rules. It is stated by the petitioner that though the enquiry was completed in the year 2010 itself, no final order has been passed till date. The grievance of the petitioner is that on account of pendency of the disciplinary proceeding, he could not get the DCRG amount and though several representations have been made for the early disposal of the disciplinary proceedings, the 2nd respondent did not heed to the request of the petitioner. Hence, he is now before this court with this writ petition.

2. Though a larger relief is sought for, the learned counsel for the petitioner, during the course of hearing, would submit that the petitioner would be satisfied if a direction is issued to the respondents to pass final order on the proceedings pending under Rule 9 of The Tamil Nadu Pension Rules within a time frame.

3. The learned Additional Government Pleader who takes notice for the respondents would submit that the disciplinary proceeding pending against the petitioner would be considered and appropriate final orders would be passed by the 2nd respondent within a time frame to be fixed by this court.

4. Considering the limited scope of the prayer and taking into consideration of the admitted fact that the enquiry has been completed as early as in the year 2010 and the final order alone is to be passed, without going into the merits of the case, the 2nd respondent is directed to pass final orders on the proceeding pending under Rule 9 of the Tamil Nadu Pension Rule pursuant to the charge memo dated 14.08.2007 issued against the petitioner in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Commissioner of Municipal Administration,
Chepauk, Chennai.5
- 2.The Secretary to Government,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai 600 009.

+1cc to M/s. T. Ranganathan, Advocate, S.R.No.30968

+1cc to the Government Pleader, S.R.No.31315

PPA(CO)
EU(10/07/2015)

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