

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24829 of 2015

S.Jaffar Sahib

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Principal Secretary to Government
Health & Family Welfare Department
Fort St. George
Chennai-600009.

2. The Director of Public Health
and Preventive Medicine
Chennai-6.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass Final Orders in the disciplinary proceedings pending against the petitioner pursuant to the charge memo issued by the second respondent in Memo R.No.030763/DA/14/S2-1 dated 29.4.2014, taking into consideration the judgment of the Principal Assistant Session Judge Tirunelveli in SC No.74/2014 dated 12-02-2015 within a time limit to be fixed by this Honourable Court.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as Non Medical Supervisor in a primary medical centre is said to have mis-behaved with one Veerabahu who is the superior officer on 06.11.2012 by scolding him with filthy words and also man handling him and in this regard, the said person has lodged a complaint on the file of the Manur Police Station which resulted in registering of a case and the said case after investigation has culminated in a charge sheet which was taken on file by the Court of Judicial Magistrate No.V, Thirunelveli in PRC No.57 of 2013 who in turn committed the case to the Principal Assistant Sessions Court and taken on file as S.C.No.74 of 2014.

3.The petitioner would further state that the full fledged trial the case has ended in acquittal vide judgment dated 12.02.2015. Thereafter, the petitioner has submitted a representation bringing to the knowledge of the concerned authority about the said judgment and prayed for exoneration from the departmental proceedings and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that admittedly the criminal proceedings as well as the departmental proceedings, are based upon the same set of charge, whereas, the petitioner is honourably acquitted in the criminal proceedings and nothing survives in the departmental proceedings and hence prays for appropriate orders.

5.Heard the submissions of Mr.P.Rajendran, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances directs the second respondent to consider and dispose of the petitioner's representations dated 07.03.2015, 02.06.2015, 05.06.2015 on merits and in accordance with law after taking note of the judgment dated 12.02.2015 made in S.C.No.74 of 2014 on the file of the learned Principal Assistant Sessions Judge, Thirunelveli within a period of six weeks from the date of receipt of a copy of this order and thereafter, forward a report/ proposal to the first respondent and on receipt of such report/ proposal from the second respondent, the first respondent shall consider the same in accordance with law and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

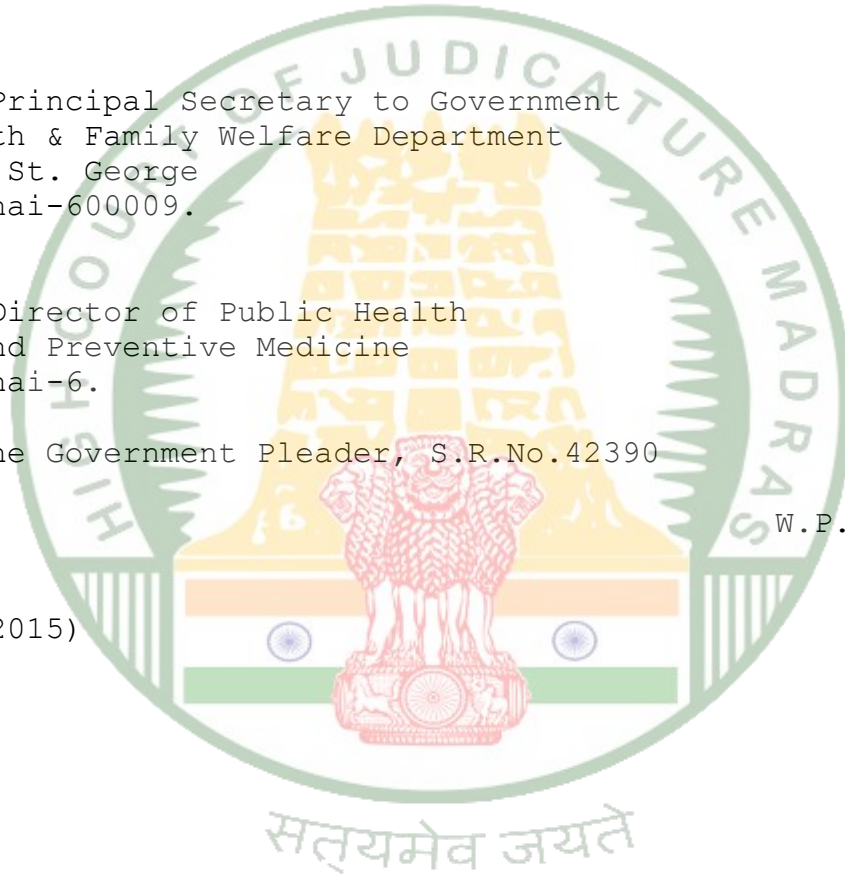
1. The Principal Secretary to Government
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Fort St. George
Chennai-600009.

2. The Director of Public Health
and Preventive Medicine
Chennai-6.

+1cc to the Government Pleader, S.R.No.42390

W.P.No.24829 of 2015

TS (CO)
CA(26/08/2015)



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