

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.25493 to 25495 of 2015

and

M.P.Nos.1, 1 and 1 of 2015

K.N.Mani ...Petitioner in WP 25493/2015

R.Murugavel ...Petitioner in WP 25494/2015

B.Vedhachalam ...Petitioner in WP 25495/2015

vs

1. The Government of Tamil Nadu
rep. By the Secretary to Government
Revenue Department
Fort St. George, Chennai 600 009

2. The Collector
Kancheepuram District

3. The Revenue Divisional Officer
Chengalpattu,
Kancheepuram District

...Respondents 1 to 3
in all petitions

4. The Revenue Divisional Officer
Tambaram, Chennai 600 047

...4th Respondent in
WP 25493/2015

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to conclude the Disciplinary Proceedings pending against the petitioners pursuant to the Charge Memo issued by the third respondent in Rc.No.7151/2005/B dated 29.12.2009, taking into account the findings of the Enquiry Officer that charges were not held proved and in the light of the judgment of the Hon'ble XI Additional City Civil Court cum Sessions Court (CBI Cases relating to Banks and Financial Institutions), Chennai in C.C.No.28/2005 dated 9.9.2014, acquitting them and permitting them to retire from the service with effect from 31.1.2012, 30.5.2010 and 31.1.2013 respectively, and grant them all retirement and other service benefits.

For Petitioner : Mr.P.Rajendran
For Respondents : Mr.S.Gunasekaran
Government Advocate

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.25493/2015, would state that he while working as the Village Administrative Officer of Pallavaram Village, Tambaram Taluk, was visited with a Disciplinary Proceeding in the form of charge memo dated 29.12.2009. The petitioner in W.P.No.25495/2015, would state that he while working as the Village Administrative Officer of Mulikolathur Village, Thirukazhukundram Taluk, was visited with a Disciplinary Proceeding in the form of charge memo dated 29.12.2009. Both of them would further state that the Enquiry Officer concluded the enquiry and held that the charges framed against them, have not been proved vide his report dated 27.10.2011, and the petitioners were due to retire from service on 31.1.2012 and 31.1.2013 respectively, on attaining the age of superannuation and they were placed under suspension and not permitted to retire vide orders dated 30.1.2012 and 31.1.2013 respectively, on the ground that a criminal case in C.C.No.28/2005 is pending on the file of the XI Additional City Civil Court-cum-Special Court for trial of CBI cases relating to banks and financial institutions. These petitioners apprehending that they may not be allowed to retire from service, filed W.P.No.10669 and 10688/2012 praying for conclusion of the Disciplinary Proceedings within a time frame.

3.The petitioner in W.P.No.25494/2015, would state that he while working as the Village Administrative Officer of Urapakkam Village, Chengalpattu Taluk, was visited with a Disciplinary Proceeding in the form of charge memo dated 29.12.2009. He would further state that the Enquiry Officer concluded the enquiry and held that the charges framed against him, have not been proved vide his report dated 27.10.2011, and the petitioner was due to retire from service on on 31.5.2010, on attaining the age of superannuation and was permitted to retire vide proceedings of the third respondent dated 31.5.2010, without prejudice to the Disciplinary Proceedings, and since no final orders were passed, he filed W.P.No.10670/2012, praying for conclusion of the Disciplinary Proceedings within a time frame.

4.All the petitioners would state that this Court vide common order dated 19.4.2012, made in the above said writ petitions, has directed the authority to conclude the Disciplinary Proceedings within a period of six months from the date of receipt of a copy of the order; however, the Revenue Divisional Officer, Chengalpattu,

vide proceedings dated 7.1.2013, observed that unless and until the criminal proceedings are concluded, no orders could be passed in the Departmental Proceedings. According to the petitioners, the criminal case has also ended in acquittal on 9.9.2014, and no appeal has been filed and hence, there cannot be any impediment on the part of the concerned authority, to conclude the Disciplinary Proceedings at an early date and in this regard, they have also submitted individual representations dated 18.9.2014, and since no orders have been passed, came forward to file these writ petitions.

5.The learned Counsel appearing for the petitioners, would submit that the criminal prosecution launched against all the petitioners in C.C.No.28/2005, ended in acquittal on 9.9.2014, and so far, no appeal has been preferred and therefore, there cannot be any impediment on the part of the concerned authority, to conclude the Disciplinary Proceedings at an early date and prays for appropriate orders.

6.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, also.

7.This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 3 and 4 to consider and dispose of the petitioners' individual representations dated 18.9.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the respective petitioners. All the writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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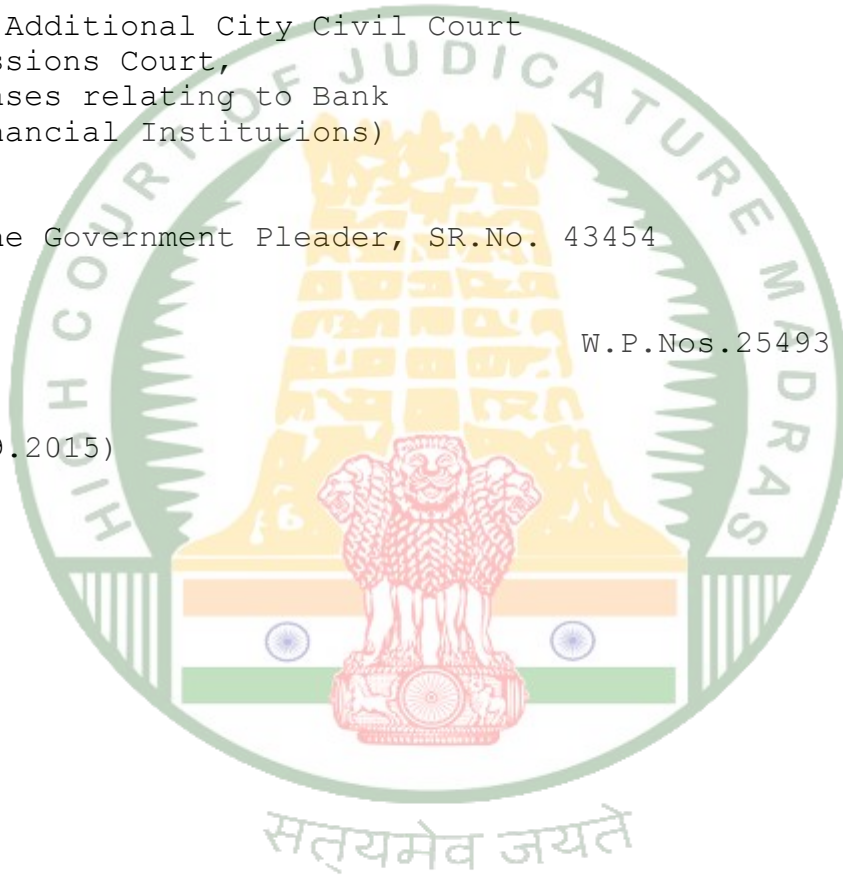
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5. The XI Additional City Civil Court
Cum Sessions Court,
(CBI Cases relating to Bank
and Financial Institutions)

1 CC to the Government Pleader, SR.No. 43454

W.P.Nos.25493 to 25495 of 2015

SV (CO)
PSI (03.09.2015)



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