

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.28015 of 2014
& M.P.No.1 of 2014

1. G.Sekar

... Petitioner

Vs.

1. The Director of Local Fund Audit (Disciplinary Authority)
Local Fund Audit Department
Kuralagam, 4th Floor, Chennai-108.

2. The Assistant Director of Local Fund Audit
Collectorate Campus
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 1st Respondent in Pro.No. 4191/O.Na.1/2014 dated 22/09/2014 and quash the same and consequently direct the 2nd Respondent to drop further proceedings in pursuant to the notice in Na.Ka.No. 1636/2013/Aa2 dated 06/02/2014 in the light of explanation submitted by the Petitioner dated 12/02/2014 within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.S.Ramesh, AGP

O R D E R

The petitioner challenges the proceedings dated 22.09.2014 whereby and whereunder the first respondent was pleased to initiate proceedings under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules in modification of the earlier proceedings under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

2. The impugned proceeding was challenged primarily on the ground that the petitioner was not connected to the remittance of

collections for the period 2012-2013 and 2013-2014 as he was entrusted with original audit for various heads of accounts relating to the year 2010-2011 only and that period expired on 31.03.2011. The petitioner has taken up a further contention that he was not assigned with power to review the audit. The petitioner has also taken up a contention that he was not responsible for the misconduct in question and as such the first respondent has not made out a case to initiate proceedings under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. The learned counsel for the petitioner submitted that the first respondent initiated proceedings against the Assistant Director and after verifying the explanation submitted by him, further action was dropped.

4. The petitioner has already given his reply in October 2014 to the impugned proceedings dated 22.09.2014. The petitioner has taken up various contentions in support of his plea that he was not responsible for the misconduct in question. The first respondent is now seized of the matter.

5. The question as to whether proceedings should be taken against the petitioner under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, should be decided by the first respondent, taking into account the explanation submitted by him.

6. The first respondent is directed to take a decision as to whether further proceedings should be initiated against the petitioner under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, by taking into account the explanation submitted by him. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

AJR

To

1. The Director of Local Fund Audit (Disciplinary Authority)
Local Fund Audit Department
Kuralagam, 4th Floor
Chennai-108.
2. The Assistant Director of Local Fund Audit
Collectorate Campus
Villupuram District.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.9813

+1cc to the Government Pleader, S.R.No.9958

W.P.No.28015 of 2014

GP(CO)
CA(04/03/2015)



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