

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28490/2015

C.Manivannan

... Petitioner

Versus

1. The Secretary to the Government
Rural Development & Panchayat Raj
Department, Fort St George,
Chennai 600 009.

2. The Director of Rural Development
Panagal Buildings,
Saidapet, Chennai 600015.

3. The District Collector
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 and 2 to pass final orders in the disciplinary proceedings initiated against the petitioner in Na.Ka.No.1379/12 in PD.4 Department dated 04.04.2012 within a reasonable time.

For Petitioner : Mr.K.Venkataramani, SC for
Mr.M.Muthappan

For RR 1 to 3 : Mr.S.Gunasekaran,
Government Advocate

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O R D E R

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

2. The petitioner who was a Diploma Holder in Civil Engineering was appointed as Overseer in the services of the Rural Development Department on 26.04.1981 and after completing part-time B.E., Course in the year 1993, he was promoted as Assistant

Engineer on 09.09.2002 and according to him, he was due for further promotion as Assistant Executive Engineer for the year 2009-2010. But, he was overlooked on the ground that he was facing disciplinary proceedings, which ultimately, culminated into punishment of stoppage of increment for a period of one year without cumulative effect vide order of the 1st respondent/Government dated 21.06.2010. The petitioner would further state that while he was serving as Junior Engineer at T.Palur Panchayat Union, Ariyalur District, he was transferred to Jayamkondam Panchayat on 19.08.2011 and he served there only for a period of 54 days and did not take charge of any stock of the materials in the said panchayat Union and on 29.10.2011, the petitioner was transferred and relieved from the post on 30.10.2011. However, to the shock and surprise of the petitioner, he was issued with a charge memo under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, by the 4th respondent on 04.04.2012, framing two charges and the petitioner has submitted his written explanation of defence denying the allegations and an Enquiry officer also came to be appointed, who has also submitted his findings/Enquiry report to the Government as early as on October 2013 and however, no final orders have been passed. Hence, the petitioner came forward to file this writ petition.

3. Mr.K.Venkataramani, learned Senior counsel appearing for the petitioner would submit that but for the pendency of the disciplinary proceedings, the name of the petitioner should have been included for promotion to the post of Assistant Executive Engineer and therefore, prays for appropriate orders directing the respondents 1 and 2 to pass final orders on the disciplinary proceedings initiated against the petitioner.

4. Per contra, Mr.S.Gunaksekaran, learned Government Advocate who accepts notice on behalf of the respondents would submit that along with the petitioner, 14 other persons are also facing disciplinary charges and seeks time to get instructions as to stage of the disciplinary proceedings initiated against them also.

5. This Court, after taking into consideration the rival submissions and also considering the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner in this writ petition, directs the respondents 1 and 2 to pass final orders on the disciplinary proceedings initiated against the petitioner 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 petitioner herein.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to the Government
Rural Development & Panchayat Raj
Department, Fort St George,
Chennai 600 009.
2. The Director of Rural Development
Panagal Buildings,
Saidapet, Chennai 600015.
3. The District Collector
Ariyalur District.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.49459
+1cc to the Government Pleader, S.R.No.99600

W.P.No.28490/2015

PA(CO)
CA(16/09/2015)

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