

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.34464/2015

S.Radhakrishnan

...Petitioner

Versus

1. The District Collector
Dharmapuri District [Development Wing]
Dharmapuri-5.

2. The Personal Assistant to the District Collector
Panchayat Development,
Dharmapuri-5.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the appeal dated 08.06.2007 submitted by the petitioner against the order of removal from service dated 21.05.2007 Pro.in Na.Ka.No.14562/04/K1 issued by the 2nd respondent herein, in the light of the provisions contained in Rule 14[a][2] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules and Letter Na.Ka.No.403087/B7-1/2015 dated 22.09.2015 issued by the Joint Director [Personnel], Directorate of Government Examinations, Chennai-6 and to pass appropriate orders within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.V.Subbiah, Spl.GP

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ORDER

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

2 The petitioner while working as Junior Assistant was placed under suspension by the District Collector, Dharmapuri on 17.03.2004 on the ground that the enquiry into grave charges against him was contemplated and a charge memo was issued under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, stating that the petitioner has produced bogus SSLC Mark certificate, bearing Registration No.551966/April 1991, along with his application for compassionate ground appointment.

3 The petitioner has submitted his explanation denying the charges and an Enquiry Officer was appointed who have given a finding, based on which, the Disciplinary Authority, viz., the Personal Assistant [Development], passed final orders on 21.05.2007, imposing major penalty of "removal from service" against the petitioner. Aggrieved by the said order of removal, the petitioner filed an appeal on 08.06.2007 to the 1st respondent. It is further stated by the petitioner that criminal prosecution was also launched against him in Cr.No.2/2008 by the District Crime Branch, Dharmapuri for the alleged commission of the offences u/s.468, 470, 420 IPC and the petitioner was informed that his appeal will be taken up subject to the outcome of the criminal prosecution.

4 Mr.M.Ravi, learned counsel appearing for the petitioner has drawn the attention of this Court to Rule 14[a][2] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules and would submit that in the light of the said provision, the stand taken by the 1st respondent that unless and until the criminal prosecution reach finality, the appeal would not be heard, is per se unsustainable and prays for disposal of the appeal petition at an early date.

5 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

6 This Court, in the light of the above facts and circumstances and without going into the merits of the claim

projected by the petitioner in his appeal petition, directs the 1st respondent to consider and dispose of the petitioner's appeal petition dated 08.06.2007 on merits and in accordance with law and pass orders 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.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Dharmapuri District [Development Wing]
Dharmapuri-5.
2. The Personal Assistant to the District Collector
Panchayat Development,
Dharmapuri-5.

1 CC to Mr.M.Ravi, Advocate SR.No. 59080

1 CC to the Government Pleader, SR.No. 59252

SAI (CO)
PSI (16.11.2015)

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