

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35195 of 2015

Thiru K.Chidambaram

...Petitioner

- Vs -

1.The Secretary to Government,
Tourism, Culture, Hindu Religious
Endowment Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment,
Uthamara Gandhiadigal Salai,
Nungambakkam High Road,
Chennai - 600 034.

3.The Joint Commissioner
H.R.&C.F Admin Dept.,
Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the appeal dt.27.05.2015 against the punishment of award in proceedings made in Che.Mu.Na.Ka.No.82755/2003/L1 dated 17.04.2015 on the file of the 2nd respondent since retired from service on 31.01.2004 nearly more than 10 years and pass further orders.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Mr.K.V.Dhanapalan
Addl. Govt. Pleader

O R D E R

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

2. The case of the petitioner is that he was appointed as Grade III Executive Officer in HR&CE Department in the year 1973 and subsequently, he was promoted upto Grade I Executive Officer and posted at "Thenkasi Arulmigu Kasivisanathanswamy Temple and retired on 31.01.2004. Prior to his retirement, the 3rd respondent placed the petitioner under suspension for the charges under Rule 17 (e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by his order dated 21.12.1999.

3. It is further contended that the Asst. Commissioner (HR&CE) Department, Coimbatore was appointed as Enquiry Officer by the 2nd respondent herein and he submitted a report stating that eleven charges are proved against the petitioner. The disciplinary authority passed an order of punishment dated 17.04.2015 against the petitioner awarding a sum of Rs.300/- to be deducted from his pension amount upto 7 years, without considering the reply of the petitioner dated 21.01.2011. Aggrieved by the order of disciplinary authority, the petitioner preferred an appeal before the 1st respondent on 27.05.2015. Since no order has been passed by the 1st respondent so far, the petitioner is before this court by way of this writ petition.

4. Heard Mr.D.Veerasekaran, learned counsel for the petitioner and Mr.K.V.Dhanapalan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the appeal filed by the petitioner, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

sd/

ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rgr

To

1.The Secretary to Government,
Tourism, Culture, Hindu Religious
Endowment Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowment,
Uthamara Gandhiadigal Salai,
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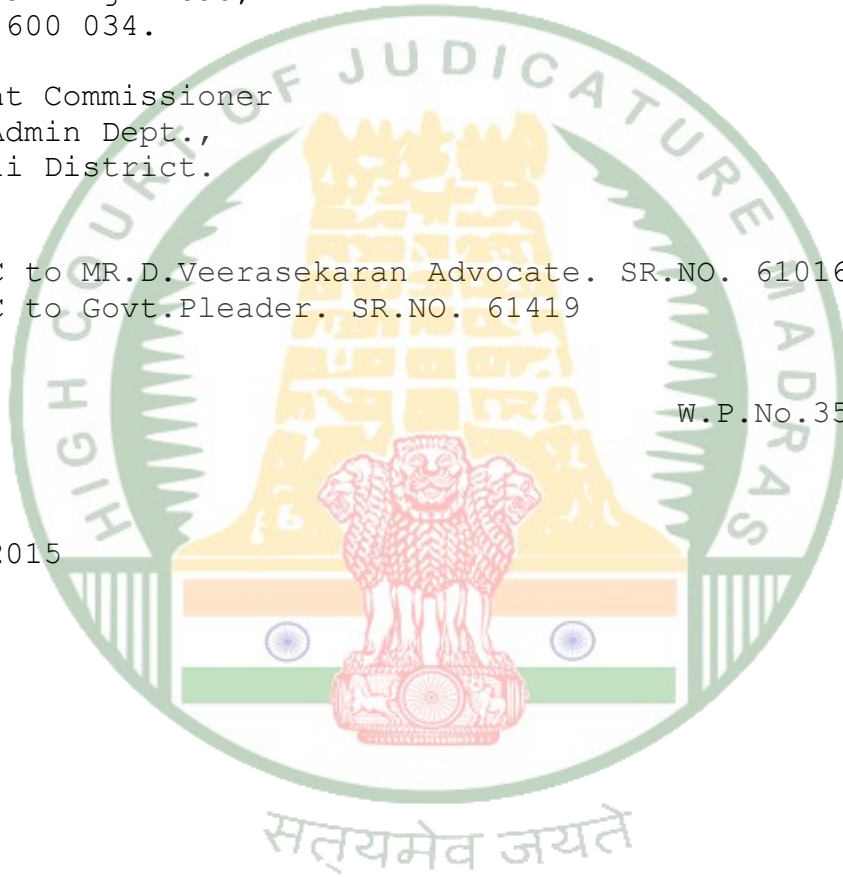
3.The Joint Commissioner
H.R.&C.F Admin Dept.,
Tirunelveli District.

+1 CC to MR.D.Veerasekaran Advocate. SR.NO. 61016

+1 CC to Govt.Pleader. SR.NO. 61419

W.P.No.35195 of 2015

AR-IV
JD 23/11/2015



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