

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.8779 of 2015 and
M.P.No.1 of 2015

S.Sivakumari

...Petitioner

Vs.

1.The State of Tamil Nadu Rep. by
The Principal Secretary to Government,
Commercial Taxes Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari, calling for the records of the 2nd respondent in CD1/23389/2013 dated 16.08.2013 and quash the proceedings in CD1/23389/2013 dated 16.08.2013.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for
Mr.M.Sivavarthan

For Respondents : Mr.S.Kanmani Annamalai
Addl.Govt.Pleader (T)

सत्यमेव जयते
O R D E R यते

The petitioner challenges the charge memo dated 16.08.2013 on the ground that no proceedings would lie against her in respect of a matter dealt with by her in the capacity as quasi judicial authority.

2. When this writ petition came up for admission on 27.03.2015, the learned Senior Counsel for the petitioner fairly submitted that the petitioner would be satisfied in case a direction is issued to conclude the disciplinary proceedings as expeditiously as possible. Accordingly, I directed the learned Additional Government Pleader to take instructions with regard to the time required for disposal of the disciplinary proceedings.

3. According to the learned Senior Counsel for the petitioner, the disciplinary authority has already conducted enquiry and the

Enquiry Officer submitted his report. The Disciplinary Authority is yet to issue second show cause notice to the petitioner.

4. There is no dispute that the proceedings in question commenced as early as on 16.08.2013. The chance of promotion of the petitioner is affected on account of the currency of disciplinary proceedings. The petitioner is therefore perfectly correct in her contention that outer limit should be fixed for disposal of the disciplinary proceedings.

5. The first respondent is directed to conclude the disciplinary proceedings initiated against the petitioner as expeditiously as possible and in any case within a period of three months from the date of receipt of a copy of this order. It is needless to point out that it is open to the petitioner to raise all the points raised herein before the disciplinary authority.

6. The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
The State of Tamil Nadu
Commercial Taxes Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005.

1 cc to Spl.Government Pleader,Sr.No18237
1 cc to Mr. M.Sivavarthan,Advocate, SR.No..18078

W.P.No.8779 of 2015

pmk.7.4.2015