

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.29342 of 2010 and
M.P.No.1 of 2010

K.Venkatraman

...Petitioner

Vs.

1.The State of Tamilnadu, rep. by its
Secretary to Government,
Home (Pol-XVII) Department,
Fort St.George, Chennai -9.

2.The Director of Fire and Rescue Services,
Chennai -8.

3.The Divisional Fire Officer,
Kancheepuram,
Kancheepuram District.

...Respondents

Petitions filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari, to call for the records connected in Ku.Pa.No.5/2010 Na.Ka.No.12076/B/2010 dated 23.11.2010 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.M.S.Ramesh
Addl.Govt.Pleader

O R D E R

While the petitioner was working as Leading Fireman in Tamil Nadu Fire and Rescue Services, a trap was arranged by the Vigilance and Anti-Corruption. The Police arrested one Janakiraman for demanding and receiving a bribe amount of Rs.1000/-. The petitioner was found along with Janakiraman and as such, he was made second accused in the criminal case. The main accused died during the currency of the proceedings. The petitioner is still in service. The disciplinary authority initiated disciplinary proceedings against the petitioner. The charge memo is challenged in this writ petition on various grounds. This Court passed an interim order permitting the respondents to proceed with the enquiry proceedings, but however, they were restrained from passing final order. During the currency

of the writ petition, the respondents have concluded the enquiry. However, orders could not be passed in view of the interim order granted by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

3. There is no question of considering the legality and correctness of charge memo at this point of time, in view of the fact that the respondents have concluded the enquiry proceedings. It is open to the petitioner to submit his defence with reference to enquiry report in the explanation to the second show cause notice. The disciplinary authority should consider the explanation given by the petitioner before proceeding further to pass final orders in the disciplinary proceedings. The disciplinary authority should also see that entire proceedings are completed as expeditiously as possible and in any case within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
State of Tamilnadu,
Home (Pol-XVII) Department,
Fort St.George, Chennai -9.

2.The Director of Fire and Rescue Services,
Chennai -8.

3.The Divisional Fire Officer,
Kancheepuram,
Kancheepuram District.

1 cc to Mr.G. Elanchezhiyan, Advocate, sr. 6702

1 cc to Government Pleader, Sr. 6697

Writ Petition No.29342 of 2010

KJI (CO)

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