



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17156 of 2015

M. NATARAJAN

... PETITIONER

Vs.

- 1 THE SECRETARY,
TO GOVT.REVENUE DEPARTMENT,
SECRETARIAT, CHENNAI 600 009.
2. THE ADDITIONAL CHIEF SECRETARY,
AND COMMISSIONER OF REVENUE ADMINISTRATION
EZHILAGAM, CHEPAUK, CHENNAI 600 005.
3. THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.

... RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent i.e. the District Collector Thoothukudi to send his report to the first respondent i.e. the Secretary to Government Revenue Department Chennai regarding the disciplinary action initiated against the petitioner in Collectors R.C.G3/49553/2013 dated 28.03.2014 within a specified time frame that may be fixed by this Honble Court and further direction to the Secretary to Government Revenue Department Chennai to pass final orders on the above said disciplinary case within a specified time, frame that may be fixed by this Hon'ble Court.

For Petitioner	...	Mr.S.Visvalingam
For Respondents	...	Mr.J.Gunaseelan Muthaiah Government Advocate

O R D E R

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed by M.Natarajan, who has suffered departmental proceedings under Rule 17(b) of TamilNadu Civil Services Appeal and Discipline Rule wherein the petitioner faced five charges. The Enquiry Officer on completion of enquiry submitted his enquiry report on 23.07.2015 holding that two charges are proved whereas three charges are not proved. Subsequently, on receipt of the second Show Cause Notice, the petitioner presented his written representation on 17.08.2015. In the meanwhile, he was also permitted to retire from service on 31.03.2015 subject to the result of the disciplinary proceedings. Therefore, his grievance is that till date in view of the pendency of the disciplinary proceedings, he is not able to receive even provincial pension including the retirement pension. Therefore, he has come to this Court by filing this Writ Petition seeking issuance of writ of mandamus directing the first respondent to pass final order on the



disciplinary proceedings.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. The learned counsel for the petitioner submitted that if a direction is given to the District Collector to forward all the papers to the first respondent who is competent authority to pass final order with further direction to pass order within a stipulated time, no prejudice would be caused.

5. The learned Government Advocate, taking notice, sought months time for the District Collector to forward the proposal and again one more months time for the first respondent to pass appropriate order.

6. This Court grants three months time to the District Collector to forward all the papers to the first respondent. On receipt of the same, the first respondent is hereby directed to consider the explanation to the charge memo, the report of the enquiry officer and further representation of the petitioner dated 17.08.2015 and pass final order within a period of six weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/TURE COPY/

Sub Assistant Registrar

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To,

1 THE SECRETARY, TO GOVT.REVENUE DEPARTMENT,
SECRETARIAT, CHENNAI 600 009.

2 THE ADDITIONAL CHIEF SECRETARY
AND COMMISSIONER OF REVENUE ADMINISTRATION
EZHILAGAM CHEPAUK CHENNAI 600 005.

3 THE DISTRICT COLLECTOR
THOOTHUKUDI DISTRICT THOOTHUKUDI.

+1 cc to MR.S.VISVALINGAM, ADVOCATE, SR NO: 55734

JAM /29.10.2015/GSV-PM/2P-5C