



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17378 of 2015

N.Rajasekaran Nair : Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration and
Water Supply (ME-2) Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Municipal Administration,
Chepauk, Chennai - 600 005. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to pass final orders on the charge memo passed by the 2nd respondent in Na.Ka.No.54473/04/J3, dated 10.05.2007, within the time frame fixed by this Court.

For Petitioner : Ms.Nisha Banu
For Respondents : Mr.K.P.Krishnadoss
Government Advocate

O R D E R

By consent of both, the Writ Petition itself is taken up for final disposal.

2. The petitioner has suffered departmental proceedings under charge memo, dated 10.05.2007 although he was allowed to retire in the year 2006, subject to the result to the disciplinary proceedings. He has co-operated with the enquiry, as a result, the enquiry officer has also completed his enquiry, however, till date, the disciplinary authority has not come forward to pass the final orders. In view of that, the petitioner has sought for an early disposal of the pending disciplinary proceedings by passing final orders by the first respondent.

3. Learned Government appearing for the respondents would submit that in view of pendency of other charges, the respondents have not decided to pass final orders, however, if there is a direction from this Court, separate orders would be passed on the culmination of the charge memo, dated 10.05.2007.



4. Since the petitioner has reached the age of superannuation on 31.05.2006, he has been retained in service in view of pendency of the departmental proceedings, after issuance of charge memo dated 10.05.2007 with regard to the incident took place on 13.09.2000 and enquiry also came to an end by submitting a report by the enquiry officer, therefore, the first respondent is hereby directed to pass final orders on the basis of the charge memo, explanation, report of the enquiry officer and the 2nd representation of the petitioner and also on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Municipal Administration and
Water Supply (ME-2) Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Municipal Administration,
Chepauk, Chennai - 600 005.

+1cc to M/S.J.Nishabanu, Advocate SR.No.57047

Order made in
W.P.(MD)No.17378 of 2015

Dated: 25.09.2015

mpk
NS/JGB/27.10.2015 : 2P/4C