

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.1429 of 2016

C.R.Jayachandran

.. Petitioner

Vs.

1.The State of Tamilnadu
rep. by its Secretary
Rural Development and
Panchayat Raj Department
Fort St.George
Chennai-600 009.

2.The Director of Rural Development
Panagal Building
Saidapet
Chennai-600 015.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to pass orders on the representation, dated 16.12.2015, seeking finalization of the disciplinary proceedings on merits and within a time to be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.L.Chandrakumar

For Respondents :Mr.A.Kumar
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to pass orders on the representation, dated 16.12.2015, seeking finalization of the disciplinary proceedings on merits.

3. The grievance of the petitioner is that at the verge of his retirement, he was issued with a charge memo, dated 27.11.2015, and therefore, he was not allowed to retire on

30.11.2015. The petitioner has made a representation, on 16.12.2015, seeking for conversion of the 17(b) charge memo to that of 17(a) charge memo and for early finalisation of the disciplinary proceedings. Aggrieved against the inaction of the 2nd respondent, the petitioner has filed the present Writ Petition.

4. Mr.L.Chandrakumar, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is given to the 2nd respondent to consider the representation, dated 16.12.2015, and to complete the enquiry proceedings and to pass final orders within a short time, for which, the petitioner is willing to co-operate.

5. Mr.A.Kumar, the learned Special Government Pleader, would submit that the petitioner is seeking for conversion of the 17 (b) charge memo to that of 17(a) charge memo and for early finalisation of the disciplinary proceedings, but, the proposed action to be initiated against the petitioner is only under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules (for short, "The Rules").

6. The undertaking given by the learned counsel for the petitioner that the petitioner will co-operate with the enquiry proceedings and he will attend the enquiry proceedings, without any default, is recorded. Considering the limited scope of the prayer sought for by the petitioner and also the fact that though, the petitioner has reached the age of superannuation, he was not allowed to retire from service, suffice to state, that the 2nd respondent, shall consider the representation of the petitioner, dated 16.12.2015, and shall complete the enquiry proceedings, by deciding as to whether the petitioner has to be dealt with under Rule 17(a) or 17(b) of the Rules, and shall pass final orders, after affording sufficient opportunity to the petitioner, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The petitioner is directed to attend the enquiry proceedings without any default. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.
paa

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary
State of Tamilnadu
Rural Development and Panchayat Raj Department
Fort St.George
Chennai-600 009.

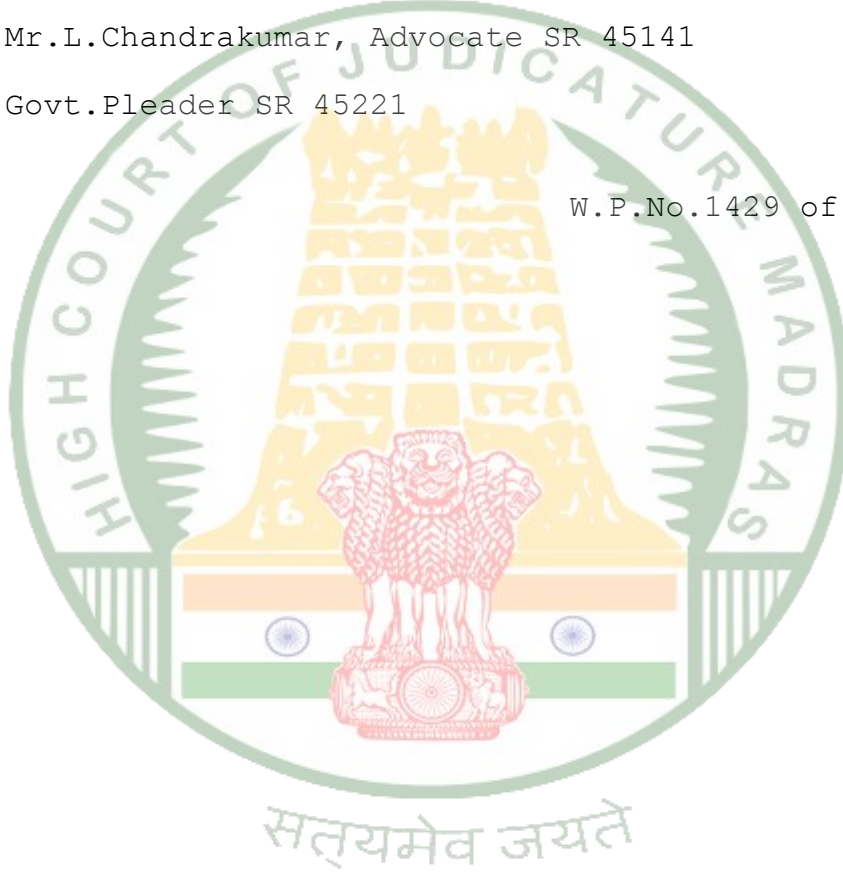
2.The Director of Rural Development
Panagal Building
Saidapet
Chennai-600 015.

+ 1 cc to Mr.L.Chandrakumar, Advocate SR 45141

+ 1 cc to Govt.Pleader SR 45221

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