

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

Coram

The Honourable Mr.Justice T.RAJA

W.P.No.14975 of 2016

D.Ramasamy

.. Petitioner

-VS-

1.The Principal Secretary /
Transport Commissioner,
Chepauk, Chennai.

2.The Regional Transport Officer,
Tiruppur (South), Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to conclude the oral enquiry and pass final orders on the 17(b) charges pending in Memo R.No.34543/VB2/2008 dated 08.09.2008 within a stipulated time as deemed fit and proper by this Court.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.R.Vijayakumar
Addl.Govt.Pleader

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O R D E R

Mr.D.Ramasamy, presently working as Motor Vehicle Inspector Grade-I, has come to this Court seeking issuance of Writ of Mandamus directing the respondents herein to conclude the oral enquiry by passing a detailed order on the charges framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, pending in Memo R.No.34543/VB2/2008 dated 08.09.2008.

2.Mr.R.Vijayakumar, learned Additional Government Pleader, takes notice for the respondents.

3.Mr.Ravi Shanmugam, learned counsel appearing for the petitioner, would submit that the petitioner was issued with a

charge memo under Rule 17 (b) of the aforesaid Rules on 08.09.2008 and subsequently, was issued with a memo dated 12.12.2012 calling upon him to participate in the enquiry. In view of the fact that the criminal case registered against him having been taken cognizance by the learned Special Judge, Cuddalore, in Special Case No.3 of 2008, he has approached this Court by way of writ proceedings, seeking stay of the departmental proceedings, since on the same set of charges pending before the Criminal Court, departmental proceedings cannot be proceeded with and by judgment dated 18.01.2013 in W.A. (MD) No.59 of 2013, the respondents were directed to keep the departmental proceedings in abeyance till such time the criminal case is over. Accordingly, the departmental proceedings were kept in abeyance. In the meanwhile, the criminal case pending in Special Case No.3 of 2008 came to an end giving the benefit of acquittal to the petitioner vide order dated 16.11.2015. Pursuant thereto, the petitioner has given his representation dated 19.01.2016 requesting the department to proceed with the departmental proceedings, as his date of superannuation is fast nearing on 31.10.2016. As the respondents have not initiated the departmental proceedings, although they have already appointed an enquiry officer on 31.05.2010 and thereafter, the petitioner has been called to participate in the enquiry on 12.12.2012, he has come to this Court with the aforesaid prayer.

4. Since in the present case, the enquiry officer was already appointed on 31.05.2010 and thereafter, the petitioner has been invited to participate in the enquiry by the notice dated 12.12.2012, in view of the disposal of the criminal case on 16.11.2015 in Special Case No.3 of 2008, this court finds no impediment to direct the respondents to proceed with the departmental proceedings and pass orders by following the procedures contemplated under Rule 17(b) of the aforesaid Rules. Since the petitioner is retiring from service on 31.10.2016, the respondents are directed to complete the enquiry and pass orders on merits and in accordance with law, within a period of four (4) months from the date of receipt of a copy of this order.

5. Writ Petition, accordingly, stands disposed of. No costs.

sra

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary /
Transport Commissioner,
Chepauk, Chennai.

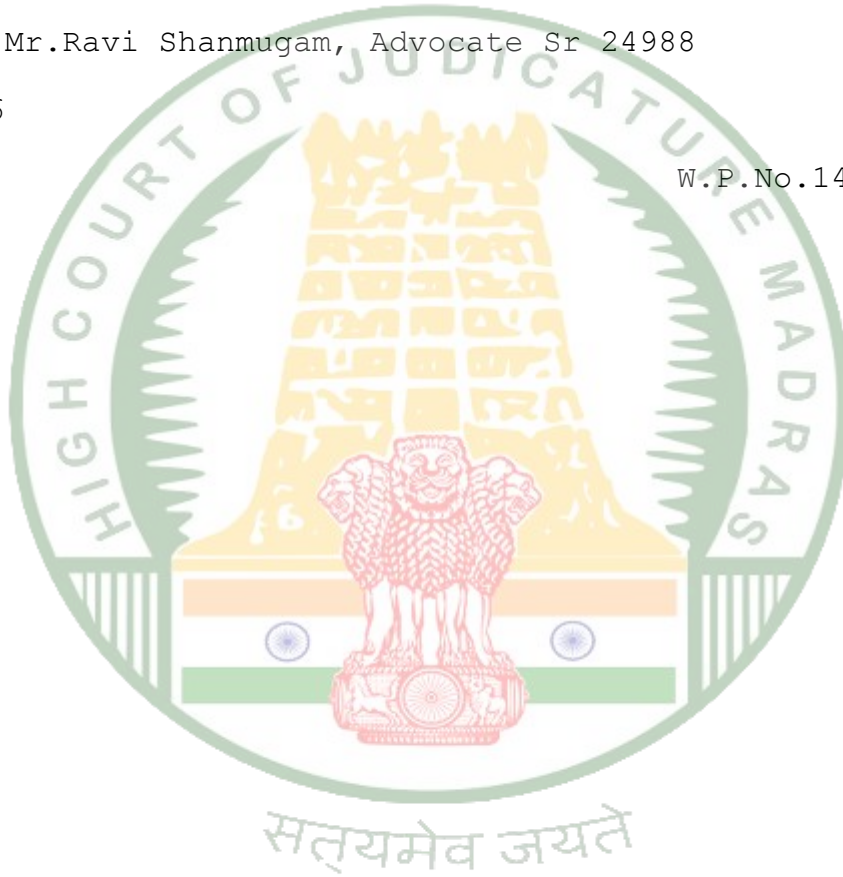
2.The Regional Transport Officer,
Tiruppur (South), Tiruppur District.

+ 1 cc to The Govt.Pleader, Sr 25444

+ 1 cc to Mr.Ravi Shanmugam, Advocate Sr 24988

KR/27/4/16

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