

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1826 of 2016
and WMP.No.1596 of 2016

A.Nagarajan

... Petitioner

.Vs.

- 1 The Principal Secretary and
Commissioner of Commercial Tax,
Chepauk,
Chennai-5.
- 2 The Joint Commissioner (CT),
Enforcement,
Coimbatore.
- 3 The Assistant Commissioner (ENF),
K.G.Chavadi Check Post,
Coimbatore - 641 105. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass order on the representation of the petitioner dated 31.07.2015, to the show cause notice for punishment dated 08.07.2015 issued by the 1st respondent to drop the disciplinary proceedings forthwith and consequently, settle all the retirement benefits.

For petitioner : Mr.R.Singaravelan
for M/s.M.Srividhya

For Respondents : Mr.Kanmani Annamalai,
Additional Government Pleader.

ORDER

Mr.A.Nagarajan, who was issued with a show cause notice under Rule 17-B of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1973, was called upon to give his explanation as to whether he accepts the proposed punishment of cut in pension or not, within 15 days from the date of receipt of the same, as per Rule 9 of the Tamil Nadu Pension Rule, 1978. It appears that the departmental proceedings initiated under Section 17-B of the Tamil Nadu Civil Services (Discipline and Appeal) Rules,

1973, by framing three charges, has come to an end and finally, the Disciplinary Authority has come to a provisional conclusion to impose cut in pension at the rate of Rs.1,700/- per month for a period of 5 years on the petitioner. The petitioner has also submitted his written explanation to the second show cause notice.

2.The learned counsel appearing for the petitioner would submit that since the petitioner was permitted to retire from service with effect from 31.01.2015, no prejudice would be caused, if a direction may be given to the 1st respondent to pass final orders.

3.Mr.Kanmani Annamalai, learned Additional Government Pleader appearing for the respondents also agreed with the proposal made by the learned counsel appearing for the petitioner that a direction may be issued to the 1st respondent and sought for eight weeks time to pass final orders.

Considering the fact that the enquiry proceedings initiated against the petitioner has already come to an end, the 1st respondent is hereby directed to pass final orders on merits in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

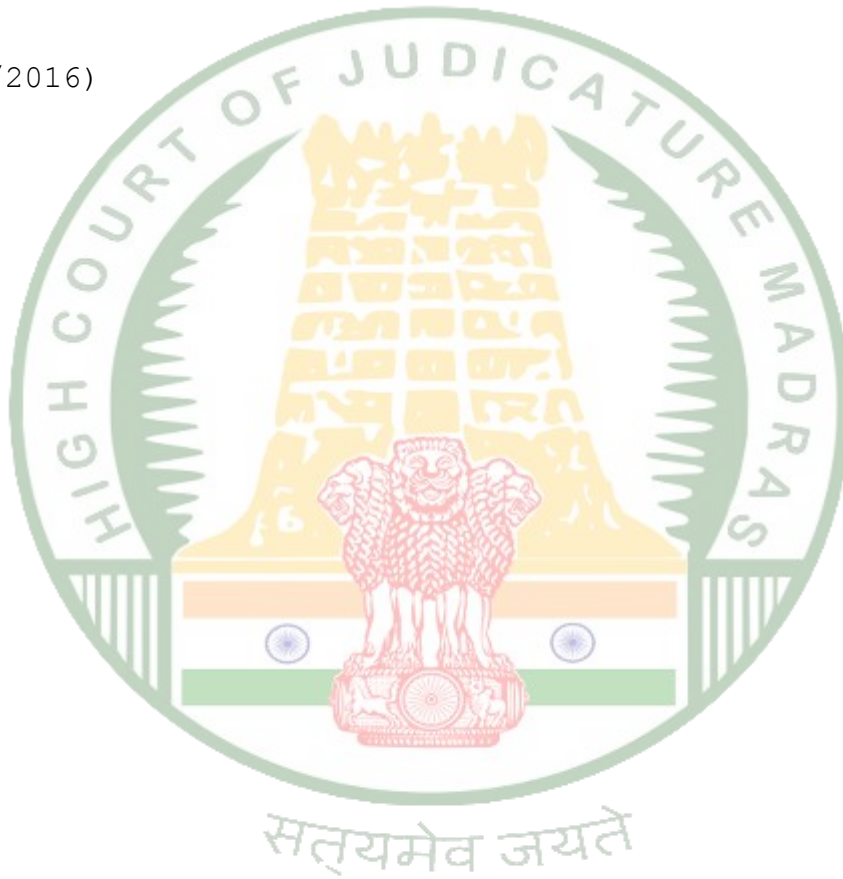
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+1cc to the Special Government Pleader Sr.10170

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skv (CO)
srg (22/03/2016)



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