

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.39890 of 2015

S.Durgabai

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Secretary
Revenue Department
Fort St.George
Chennai 600 009

2. The District Collector
Nagapattinam
Nagapattinam District

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
second respondent to forthwith drop the disciplinary proceeding
initiated against the petitioner in Proceeding
Na.Ka.64220/2004/Vu1 dated 16.03.2005.

For Petitioner :: Mr.Kandhan Duraisami

For Respondents:: Mr.S.Gunasekaran
Government Advocate

ORDER

Mrs.S.Durgabai, who faced a departmental enquiry under the
charge memo issued on 16.3.2005 along with three other
delinquent officers in different proceedings, had submitted a
detailed explanation on 18.5.2005 and finally on completion of
the enquiry, the enquiry officer also has filed his report
partly holding the petitioner guilty of the charges. Thereafter,
the petitioner was furnished with a copy of the enquiry report
and she was called upon to submit her detailed explanation.
Rightly the petitioner also submitted her detailed written
explanation on 17.3.2006. In such circumstances, the grievance
of the petitioner, as pleaded by the learned counsel, is that
even after submitting a detailed written explanation dated
17.3.2006 to the enquiry report, the respondents have not come
forward to pass any final order on the pending departmental

proceedings. The learned counsel further submitted that when four delinquent officers were proceeded with the departmental proceedings, the disciplinary authority had passed final order in respect of the Deputy Tahsildar by imposing a punishment of reducing Rs.500/- from the monthly pension for a period of two years. Since the Tahsildar died during the pendency of the proceedings, the same stood abated. However, with regard to the petitioner, who served as Revenue Inspector, no final order has been passed. Therefore, she has sought for a mandamus directing the respondents to pass final orders on merits, he pleaded.

2. Learned Government Advocate appearing for the respondents submitted that although the counter affidavit, having been sent for signature, is awaited, since all the relevant records relating to the petitioner's case have already been sent to the Government on 8.10.2015, a direction may be given to the respondents to pass final orders.

3. This Court, taking note of the fact that the departmental enquiry was initiated against the petitioner on 16.3.2005 by issuing a charge memo and thereupon she had also submitted her detailed explanation on receipt of the report of the enquiry officer on 17.3.2006, hereby directs the first respondent to pass final orders in respect of the departmental proceedings initiated against the petitioner within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. No costs.

ss

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Revenue Department
Fort St.George
Chennai 600 009

2. The District Collector
Nagapattinam
Nagapattinam District

+ 1 cc to M/s.Muthumani Doraisamy, Advocate, SR 6437

+ 1 cc to Govt.Pleader, High Court, Madras SR 6534

ppa(co)
prk9/3

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