

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.28028 of 2016

Sekar

.. Petitioner

-versus-

Director of Municipal Administration
Directorate of Municipal Administration
Chepuak, Chennai-600 005.

.. Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to conduct the enquiry and pass final order in Charge Memo in Na.Ka.No.21725/2015/C3 dated 14.07.2015, within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.M.S.Soundara Rajan

For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

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

2. The case of the Petitioner is that he joined as a non-muster roll (NMR) employee in Panruti Municipality in the year 1979 and thereafter he was absorbed as peon in the year 1982. Thereafter, the petitioner was promoted as Record Clerk in the year 1992 and as Revenue Assistant (Bill Collector) in the year 2006. While he was working as such, on 30.08.2015, a Charge Memo under Rule 8(2) of Tamil Nadu Municipal Service Rules 1970 (Disciplinary and Appeal) dated 14.07.2015 was issued by the respondent framing three charges against the petitioner. It is alleged in the charge memo that the petitioner assisted the Revenue Officer in allotting Tane cyclone Relief fund to ineligible persons without properly identifying the beneficiary by conducting an enquiry, thereby, according to the respondent, the petitioner has caused loss to the Government. On 13.08.2015, the petitioner submitted his explanation to the respondent denying the charges, inter alia requested the respondent to drop the charges levelled against him. According to the petitioner, till date, the respondent has neither taken any action on the said explanation nor preceded with the oral enquiry.

3. The learned counsel for the petitioner would contend that the petitioner was due to retire from service on 30.06.2016. At the verge of his retirement, the petitioner was served with the impugned order of suspension in Roc.No.15568/2016/K1 dated 29.06.2016 on the ground that charges framed against him are still pending. Now, the grievance of the petitioner is that he has not received any terminal benefits because of the pendency of the charges. Therefore, the petitioner has filed this Writ Petition seeking for the aforesaid relief. The learned counsel for the petitioner also submitted that the petitioner is ready to co-operate with the Enquiry Officer in conducting the oral enquiry but the respondent is not interested to proceed with the oral enquiry.

4. I heard the learned Special Government Pleader for the respondent. The petitioner was issued with a charge memo on 13.08.2015. The petitioner retired from service on 30.06.2016. Till the retirement of the petitioner, the respondent did not proceed with the disciplinary proceedings against him and it is pending. Considering the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court directs the respondent to conduct an enquiry by appointing an Enquiry Officer and complete the disciplinary proceedings against the petitioner within a period of four months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above directions. No costs.

arr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

Director of Municipal Administration
Directorate of Municipal Administration
Chepuak, Chennai-600 005.

+ 1 cc to Mr.M.S.Soundara Rajan, Advocate Sr 46032

KR/6/9/16

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