

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-08-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.28266 of 2016

S.Soosairaoer

.. Petitioner

Vs.

1.The Principal

Lady Willington Institute of Advanced Study
In Education
Chennai-5.

2.Director of Collegiate Education

9th Floor, EVK Sampath Building
DPI Campus
College Road
Chennai-6.

3.The Accountant General (Accounts & Entitlements)

Anna Salai
Teynampet
Chennai-18.

4.The Pay & Accounts Officer

Pay & Accounts Office – East
Pantheon Road
Egmore
Chennai-8.

5.The Sub-Inspector of Police

D-5, Marina Beach Police Station
Chennai-5.

6.The Secretary

The Chennai City Government Colleges Employees
Co-operative Thrift and Credit Society Limited
Government Arts College for Men Campus
Nandanam, Chennai-35.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to conclude the enquiry and pass final order on the charge memo issued by the 1st respondent vide proceedings in Na.Ka.No.0861/e/2002, dated 22.06.2009, within a time limit fixed 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.Abraham

For Respondents :Mr.P.Chinnadurai
Government Advocate

ORDER

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 conclude the enquiry and to pass final order on the charge memo issued by the 1st respondent vide proceedings in Na.Ka.No.0861/e/2002, dated 22.06.2009, within a time frame.

3. The petitioner joined service as Office Assistant in the 1st respondent College, on 01.04.1972. He was placed under suspension w.e.f. 01.08.2002, by the proceedings of the 1st respondent, dated

01.08.2002 under Rule 17(e) of the Tamil Nadu Civil Services (Classification, Control & Appeal) Rules, until further orders. He was again placed under suspension for the second time w.e.f. 10.11.2003, alleging that there was an investigation into grave charges pending with the CBCID. The disciplinary proceedings were initiated by the 1st respondent, by issuing a charge memo, dated 22.06.2009. After enquiry, the Enquiry Officer has submitted his report as early as on 10.07.2009. In spite of the same, till date, the disciplinary proceedings have not concluded and final order is not passed. The petitioner has made a representation on 08.04.2014 seeking to conclude the disciplinary proceedings and to pass final order. He had also sought to permit him to retire and to grant him the retirement benefits. For which, the 1st respondent gave a reply as early as on 16.04.2014 stating that the petitioner's request to conclude the disciplinary proceedings is still pending consideration. Thereafter, though, 2 years have lapsed, till date, the disciplinary proceedings have not concluded. Hence, the petitioner has filed the present Writ Petition seeking the relief stated supra.

4. Mr.I.Abraham, the learned counsel for the petitioner would submit that the petitioner is kept under continued suspension beyond the date of his retirement on 31.07.2009 and hence, he would be satisfied, if a direction is given to the 2nd respondent, to complete the disciplinary proceedings and to pass final order within a short time, for which, the petitioner is willing to co-operate.

5. Mr.P.Chinnadurai, the learned Government Advocate, would submit that if the petitioner co-operates, the disciplinary proceedings will be completed and final order will be passed, within a time frame stipulated by this Court.

6. The undertaking given by the learned counsel for the petitioner that the petitioner will co-operate with the disciplinary proceedings and he will attend the disciplinary proceedings, without any default, is recorded. Having regard to the above submission made by the learned counsel on either side, this Court, directs the 2nd respondent to complete the disciplinary proceedings and to pass final order, after affording sufficient opportunity to the petitioner, on merits and in

accordance with law, as expeditiously as possible, preferably within a period of three 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.

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Index : Yes/No
Internet : Yes/No

12-08-2016

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