

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.2982 of 2016

N.Murugesan

... Petitioner

Vs.

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home (Transport) Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai 600 005. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent herein to pass final orders on the enquiry report submitted by the enquiry officer to the 1st respondent on 18.03.2009 on the charge memo, issued to the petitioner by the 1st respondent in his letter No.59447/Tr.II/2005-8, Home (Tr.II) Department, dated 13.08.2007.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.P.Chinnadurai,
Government Advocate

सत्यमेव जयते
O R D E R

By consent of both parties, the main writ petition itself is taken up for final hearing.

2. Mr.N.Murugesan, who was originally appointed as Motor Vehicles Inspector Grade-II in Transport Department on 15.11.1995, suffered departmental proceedings, initiated, on 13.01.2005, under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, in connection with the irregularities, committed in collection of motor vehicles taxes and fees for the motor vehicles, during the period from 2000 to 2003, in the Regional Transport Office, Tiruppur, in which, he

worked as Motor Vehicles Inspector, Grade-I. Though he had reached the age of superannuation on 30.06.2005, due to the pendency of the departmental proceedings, initiated against him, vide Charge Memo, dated 13.08.2007, issued by the 1st respondent, he was not allowed to retire from service. But his only grievance is that although the enquiry officer has submitted his report on 18.03.2009, for which, the 1st respondent, vide letter, dated 11.01.2010, has called for the petitioner to give his further representation, on the findings of the enquiry officer in the enquiry report, to which, he has also given a representation, dated 07.03.2012, no final orders have been passed on the enquiry report.

3. On taking notice, Mr.P.Chinnadurai, learned Government Advocate, appearing for the respondents, submitted that on completion of enquiry into the charges, the enquiry officer has submitted his report on 18.03.2009 and subsequently, the petitioner was called for, to submit his further representation on the findings of the enquiry officer in the enquiry report, taking into account, the petitioner was not allowed to retire from service on the date of superannuation, ie., on 30.06.2005 and the petitioner submitted a further representation on 07.03.2010.

4. Considering the facts and circumstances of the case, this Court hereby directs the 1st respondent to pass final orders, on the enquiry report, dated 18.03.2009, by considering the further representation given by the petitioner on 07.03.2010 and other relevant records, within a period of four weeks, from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

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Sd/-
Asst.Registrar (CS VII)

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Sub Asst. Registrar

skm

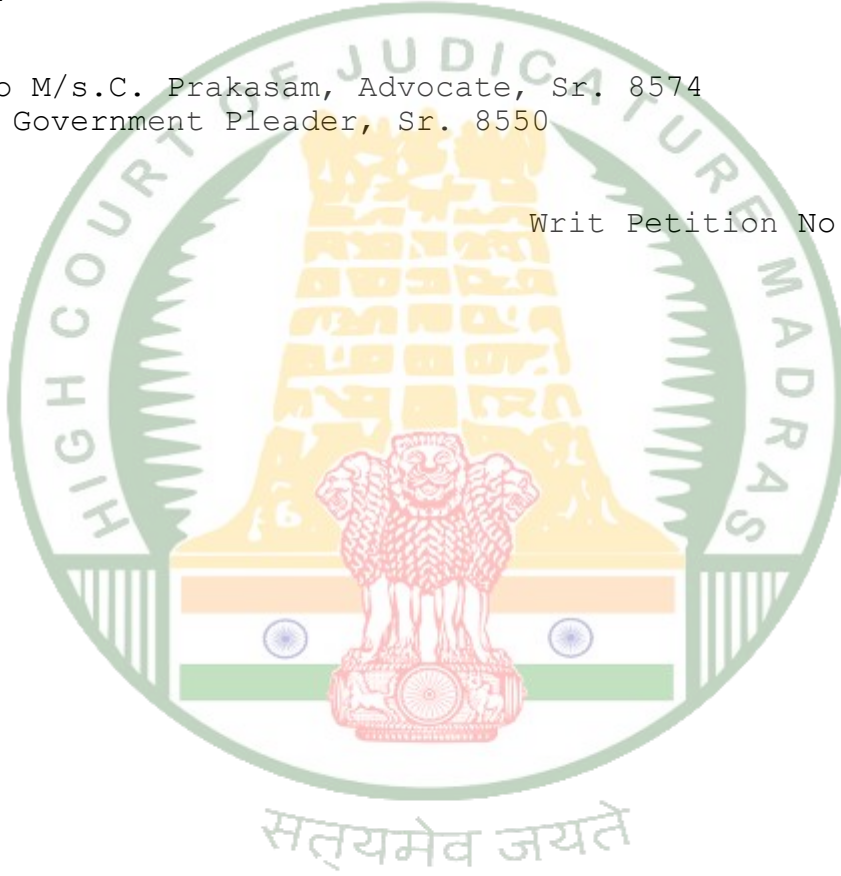
To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Home (Transport) Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai 600 005.

1 cc to M/s.C. Prakasam, Advocate, Sr. 8574
1 cc to Government Pleader, Sr. 8550

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MP (CO)
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