

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.29823 of 2016
and
WMP No.25826 of 2016

N.S.Lakshmanan .. Petitioner

vs.

- 1.The Director of Medical Education,
Kilpauk, Chennai - 10.
- 2.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned Charge Memo issued by the first respondent in proceeding Ref.No.46717/SCII(2)96 dated 25.09.2001 and quash the same and consequently to direct the respondents to promote the petitioner retrospectively with effect from date of his immediate junior promotion and grant all service monetary and attendant benefits along with interest at the rate of 12% per annum within time limit stipulated by this Court.

For petitioner : Mr.N.S.Lakshmanan,
Party in person

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

According to the petitioner, he joined in the Directorate of first respondent on 1.8.1963. He continued to discharge his duties assigned to various promotional posts satisfactorily upto the year 1996. Since a complaint was given against the petitioner while he was working as Office Superintendent at Government Kasturba Gandhi Hospital for Women and Children, Chennai, alleging that he demanded bribe, the Directorate of Vigilance and Anti Corruption Officials planned a trap and he was caught in the trap. The petitioner was placed under suspension from service on 21.5.1996. A criminal case was

filed pursuant to the trap and the case in C.C.No.1 of 1999 was heard by the III Additional Court, Chennai and the case was dismissed on 24.4.2003 acquitting the petitioner. However, the Directorate of Vigilance and Anti-Corruption preferred an appeal in C.A.No.1122 of 2004 before this Court and the appeal was dismissed by order dated 29.09.2010 confirming the order of the Trial Court. Thereafter, the first respondent issued a Charge Memo dated 25.9.2001 under Rule 17(b) of T.N.Civil Services (D&A) Rules against the petitioner after a lapse of 5 years from the date of suspension. Pursuant to the disciplinary proceedings, enquiry was conducted and the enquiry officer also submitted his report on 24.11.2003 stating that the allegations against the petitioner were not proved. However, the disciplinary proceedings initiated was not disposed of till date. Though he attained the age of superannuation on 30.9.2001, he was not allowed to retire from service. Hence, the petitioner has filed this Writ Petition for the relief stated above.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader.

3. It is not in dispute that the petitioner was acquitted in the criminal case as stated above and he is a senior citizen, aged 72 years, and pursuant to the charge memo, enquiry report has also been filed on 14.11.2003 and final order is yet to be passed on the disciplinary proceedings.

4. In such circumstances, this Court deems it fit to issue a direction to the first respondent and accordingly, the first respondent is directed to pass final orders on the pending disciplinary proceedings against the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asvm

To

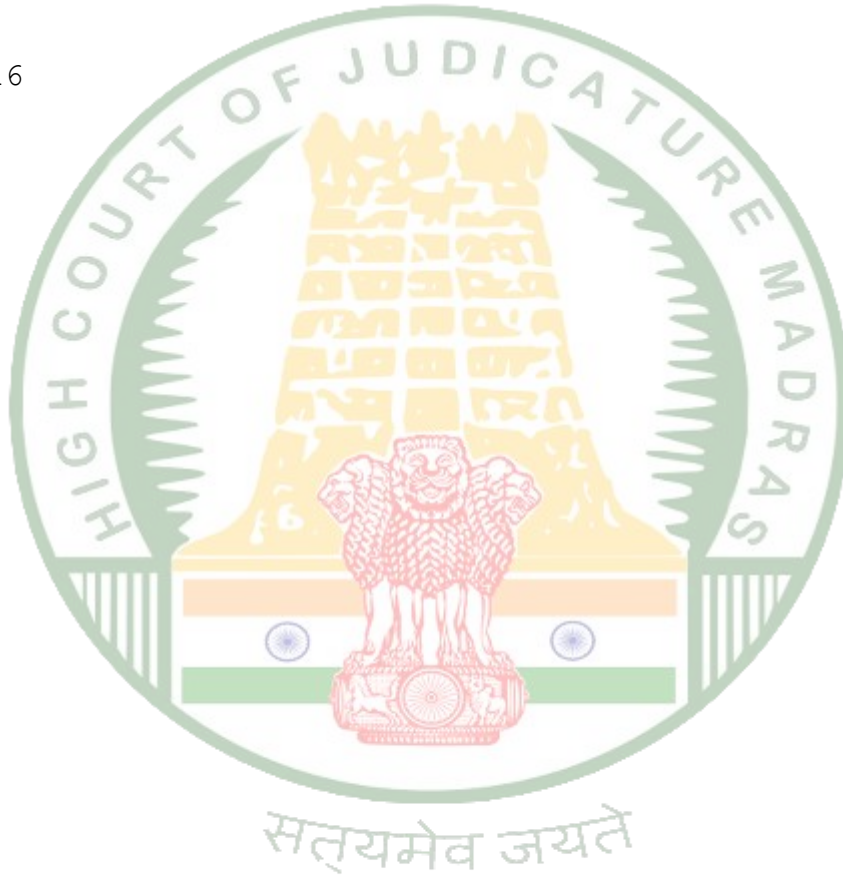
1.The Director of Medical Education,
Kilpauk, Chennai - 10.

2.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

+ 1 cc to Mr.Government Pleader SR.55402

W.P.No.29823 of 2016
and
WMP No.25826 of 2016

LRS (CO)
EU 12.11.16



WEB COPY