

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE **B.RAJENDRAN**

**W.P.No.30783 of 2016**

P.Govindan

..Petitioner

-Vs-

1.The Regional Deputy Director,  
Survey & Land Records Department,  
Coimbatore – 18

2. The Assistant Director,  
Survey & Land Records Department,  
Dharmapuri.

..Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent herein to pass order in the appeal petition dated 23.02.2015 within a reasonable time.

For Petitioner :Mr.R.S.Anandan

For Respondents : Mr.A.Kumar

Special Government Pleader

**ORDER**

With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for issuance of a Writ of Mandamus by directing the 1<sup>st</sup> respondent herein to pass an order in the appeal petition dated 23.02.2015 within a reasonable time.

3. The case of the petitioner is that the petitioner has joined the service as Field Surveyor and thereafter, he was promoted and further promoted to the post of Sub-Inspector of Survey. On 21.12.2006, the petitioner was served with a charge memo by the 2<sup>nd</sup> respondent and a criminal case was also registered against him and nine others, for the offence under Sections 466, 120(b), 379 of IPC and Section 4(1) and 21 of the Mines and Minerals (Regulation and Development) act 1957. Again, after filing discharge petition, the petitioner has filed Crl.O.P.No.3038 of 2014 for quashing the criminal case in C.C.No.285 of 1998 before this Court and this Court on 29.01.2015 quashed the said case. Therefore, the petitioner has preferred an appeal petition on 23.02.2015 before the 2<sup>nd</sup> respondent against the punishment order and requested to cancel the punishment, as the criminal case registered against him is quashed. Earlier, W.P.No.13953 of 2016 was filed, challenging the punishment and the same was rejected on the ground of limitation (ie. Lapse of 2 years) . However, the petitioner has filed appeal petition after quashing of the

criminal proceedings in C.C.No.285 of 1998. Though enquiry was over and final order has been passed, the petitioner was neither promoted nor allowed to retire from service. In pursuant to the direction issued by this Court in W.P.No.7022 of 2016 dated 25.02.2016, final order was passed in the departmental action by the Commissioner of Survey and Settlement, Chennai on 12.04.2016 and thereafter, the petitioner was allowed to retire from service on 01.06.2016 with effect from 31.01.2015. Since the appeal petition dated 23.02.2015 is pending till date, the petitioner has come forward with this Writ Petition for a direction.

4. The learned counsel for the petitioner submitted that the petitioner has challenged the original order of punishment by way of an appeal dated 23.02.2015. According to the petitioner, this appeal was preferred after quashing the criminal proceedings in C.C.No.285 of 1998 on the file of learned Judicial Magistrate, Krishnagiri in CrI.O.P.No.3038 of 2014 dated 29.01.2015 and hence, prays for a suitable direction to the 1<sup>st</sup> respondent to consider the appeal.

5. Heard Mr.A.Kumar, learned Special Government Pleader appearing for the respondents, who would submit that there is a delay in preferring the appeal.

**B.RAJENDRAN,J.,**

ssd

6. Taking note of the fact that the appeal has been preferred after quashing of the criminal case, this Writ Petition is disposed of by directing the 1<sup>st</sup> respondent to, consider the appeal petition in accordance with law as expeditiously as possible.

7. With the above direction, the Writ petition is disposed of. No costs.

02.09.2016

Index: Yes/No; Internet: Yes/No

ssd

To

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