

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30918 of 2016

P.Vaithilingam

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department,
Fort St.George,
Chennai-600 009.

2. The Accountant General,
Office of the Accountant General,
Tamil Nadu, No.301, Anna Salai,
Teynampet, Chennai-600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders by virtue of the Letter NO.39971/Pol.2/2005-12, dated 04.06.2016 in PR.No.43 of 2015 within the stipulated time as fixed by this Court and directing the 1st respondent to sent the petitioner's pension and other terminal benefits proposals to the 2nd respondent within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Kumara Devan

For respondents : Mr.M.S.Ramesh,
Additional Government Pleader

WEB COPY
ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders by virtue of the Letter NO.39971/Pol.2/2005-12, dated 04.06.2016 in PR.No.43 of 2015 within the stipulated time as fixed by this Court and consequently, to direct the 1st respondent to send the petitioner's pension and other terminal benefits proposals to the 2nd respondent within a time frame.

2.It is stated that while working as the Deputy Superintendent of Police, Anti-Land Grabbing Cell, Tiruvallur, the petitioner faced disciplinary proceedings and three charges were framed against the petitioner. The Superintendent of Police, Thiruvallur District conducted the enquiry and the petitioner herein submitted his explanations dated 50.06.2015, to the charges framed against him. On completing the enquiry, on 16.06.2015 he sent his Enquiry Report to the 1st respondent herein. Thereafter, the petitioner was issued with the Minutes of the Enquiry Report from the 1st respondent calling for his further representation. On 06.07.2015, the petitioner sent his further representation to the 1st respondent through proper channel. Thereafter, the 1st respondent passed an order vide G.O.(2D).No.248, Home (Police 2) Dept, dated 24.07.2015, placing the petitioner under suspension with immediate effect. Thereafter, the 1st respondent passed two orders on 04.06.2016 vide G.O.Ms.(2D).No.310, revoking his suspension and another one vide G.O.Ms.(2D).No.311, permitting him to retire from service on attaining the age of superannuation with effect from 31.07.2015. Subsequently, the 1st respondent issued a letter No.39971/Pol.2/2015-12, dated 04.06.2016, stating as follows_

"5.Accordingly, the Government have examined the charges, findings of the Inquiry Officer and your further representation on the findings of the Inquiry Officer along with the connected records and observed that there is no ground to accept your further representation as no fresh point has been putforth by you for consideration of the Government. The Government have, therefore, decided to hold the third charge as proved against you and therefore for the proven charge, the Government have provisionally arrived at a conclusion to impose the punishment of cut in pension of Rs.1,000/- (One Thousand Only) per month for a period of one year on you for the proven Charge No.3.

6. I am, therefore, to request you to state specifically as to whether you accept the provisional conclusion of the government in Para 5 above or not within fifteen days from the date of receipt of this letter. If no reply is received within the 15 days time

limit, it will be construed that you have no representation to make and final orders will be passed on the above PR.No.43/2015 on merits of the case."

Now, it is stated by the petitioner that though the period of 15 days as specified in the said letter dated 04.06.2016, comes to an end on 25.06.2016 itself, the 1st respondent has not chosen to pass any final order even after a lapse of two months. Hence, the petitioner has come forward with the present writ petition before this Court for the relief as stated supra.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the 1st respondent to pass final orders in pursuance to his letter in No.39971/Pol.2/2005-12, dated 04.06.2016 in PR.No.43 of 2015, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai-600 009.

2. The Accountant General,
Office of the Accountant General,
Tamil Nadu, No.301, Anna Salai,
Teynampet, Chennai-600 018.

+1cc to Mr.S.Kumara Devan, Advocate, S.R.No.51373
+1cc to the Government Pleader, S.R.No.51616

W.P.No.30918 of 2016

TRM(CO)

CA(12/09/2016)