

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.36830 of 2016
and W.M.P.No.31657 of 2016

N.Geetha Petitioner

Vs

The Enquiry Officer/
Judicial Magistrate
Dharapuram
Tiruppur District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to conclude the domestic enquiry initiated against the petitioner through charge memo dated 21.03.2016, within the time limit fixed by this Court.

For Petitioner :: Mr.R.Marudhachalamurthy

For Respondent :: Mr.M.Baskar

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.M.Baskar, learned counsel who accepts notice for the respondent.

2. The petitioner, who is working as an Office Assistant in the respondent-Court, has been contemplated for the charge of theft of cell phones, which are kept as case properties in the Property Room of the court. In respect of the said alleged charge, a criminal case was registered in Cr.No.772/2015 under Sections, 454, 457 and 380 of IPC on the file of Dharapuram Police Station and subsequently, under sub rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, she was placed under suspension from service, until further orders.

3. The learned counsel appearing for the respondent submits that in respect of the alleged misconduct, Charge Memo was issued by the respondent and the petitioner by letter dated 05.04.2016, sought for extension of time for submitting the reply and thereafter, the petitioner submitted a reply dated Nil and the matter is now pending enquiry.

4. The proceedings of the respondent is dated 02.09.2015 and it is almost more than a year and the enquiry proceedings is still pending. In the circumstances, we direct the respondent to conclude the enquiry within two months from the date of receipt of a copy of this order, without any further delay.

5. However, it is made clear that if the petitioner has not been paid subsistence allowance and dearness allowances, as per Rule 53(1) of the Fundamental Rules, the same shall be paid duly from the date of due and to continue to pay the same, till the enquiry is completed.

6. This writ petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri
To

The Enquiry Officer/
Judicial Magistrate
Dharapuram
Tiruppur District.

+1cc to M/S.R.Marudhachalamurthy, Advocate sr.62108
+1cc to M/S.Baskar, Advocate sr.61781

W.P.No.36830 of 2016

cnr[col]
srg 10/12/2016