

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.37003 of 2016

B.Prabhu Shankar

... Petitioner

Vs.

1. The Joint Director of School Education (P-I)
Directorate of School Education,
Chennai-6.

2. The Chief Educational Officer
cum Inquiry Officer,
Office of the Chief Educational Officer,
Old Railway Station Road,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to conclude the disciplinary proceedings initiated against the petitioner, vide Chargememo dated 04.01.2016 within a stipulated period of time.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.O.R.Maheesvaren
Government Advocate (Education)

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to conclude the disciplinary proceedings initiated against the petitioner, vide charge memo dated 04.01.2016 within a stipulated period of time.

2. The petitioner joined service as Senior Grade Teacher at Panchayat Union Elementary School, Elmedupalayam and thereafter, he was transferred and posted to Government High School, Kurumandur, Erode District and the said School got upgraded as Government Higher Secondary School and in the year 2010, he was promoted as B.T. Assistant (Tamil) and posted to the same school. While so, on 18.09.2014, the petitioner was placed under suspension by the second respondent at the instigation of the then Headmaster and on 17.5.2015, the

petitioner was reinstated into service without prejudice to the disciplinary proceedings to be initiated against him. A charge memo came to be issued on 04.01.2016 and on denial of charges by the petitioner, the second respondent herein was appointed as Enquiry Officer and the petitioner was directed to appear for enquiry and the petitioner appeared for enquiry, wherein he was directed to fill up questionnaire and asked to leave. Since nothing was heard from the second respondent, the petitioner made a representation dated 04.07.2016. Thereafter, the petitioner was once again called for enquiry on 18.07.2016 and he was directed to sign in an form, which contained that the formalities of the enquiry were duly followed and he was allowed to peruse the documents and cross examine the witness, but neither the documents were marked nor the witnesses were produced for examination. The petitioner also made a representation to the first respondent on 20.07.2016, however, till date enquiry is not concluded and at the same time, even before conclusion of enquiry, the annual increment due to the petitioner was withheld citing the pendency of disciplinary proceedings. Hence, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner would submit that the petitioner received a copy of the proceedings in Na.Ka.No.90545/C5/E3/2014 dated 05.10.2016 issued by the first respondent directing the second respondent to conclude the disciplinary proceedings, by observing the procedure contemplated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thus the learned counsel appearing for the petitioner submitted that in view of the said proceedings of the first respondent dated 5.10.2016, appropriate direction may be given to the second respondent to conclude the disciplinary proceedings within a stipulated time frame.

4. In view of the submission made by the learned counsel appearing for the petitioner, this Court directs the second respondent to conclude the disciplinary proceedings initiated against the petitioner by observing the procedure contemplated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and also the principles of natural justice, in the light of the proceedings of the first respondent in Na.Ka.No.90545/C5/E3/2014 dated 05.10.2016, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

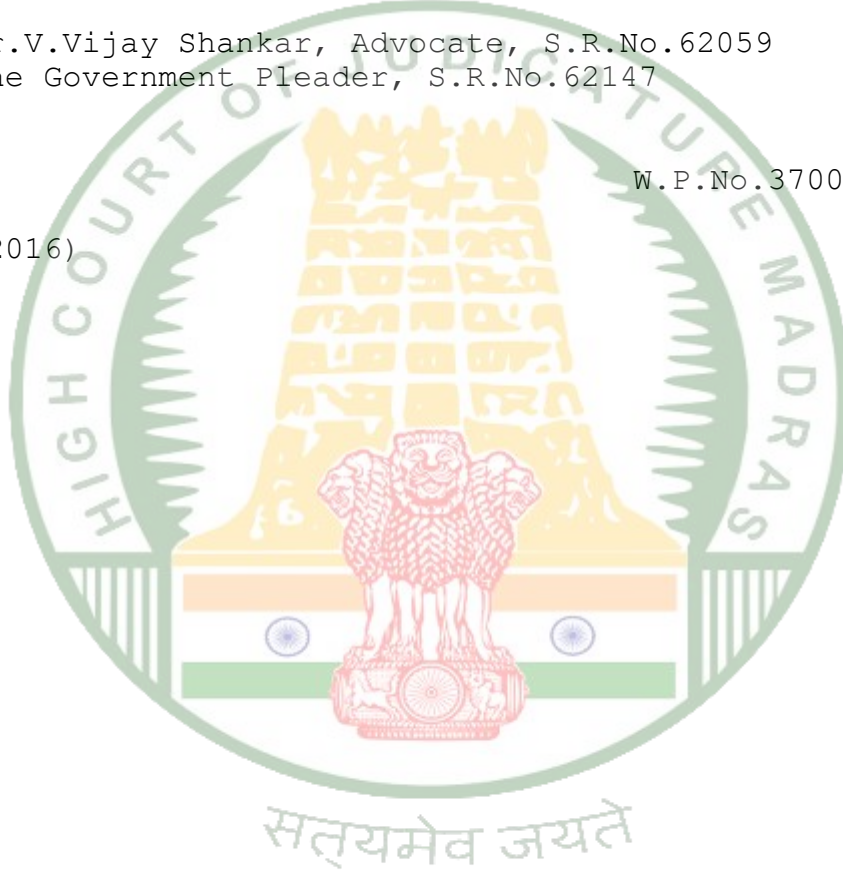
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+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.62059

+1cc to the Government Pleader, S.R.No.62147

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NR(CO)
CA(09/12/2016)



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