

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42162 of 2016

T.Anbumani

.. Petitioner

Vs

The Secretary to Government,
Labour and Employment Department,
Secretariat, Chennai-9.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent herein to pass final orders on the disciplinary proceedings concluded in Letter No. 16017 / N1/2014-10 dated 6.1.2015 against the petitioner within a stipulated time as deemed fit and proper by this Court.

For Petitioner :Mr.Ravi Shanmugam

For Respondent :Mr.K.Dhananjayan,
Spl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to pass final orders on the disciplinary proceedings concluded in Letter No. 16017 / N1/2014-10 dated 6.1.2015 against the petitioner within a stipulated time fixed by this Court.

3. It is the case of the petitioner that he joined service as Junior Assistant in the year 1980. Subsequently, he was promoted as Assistant in the year 1985, as Deputy Tahsildar in the year 1997, as Tahsildar in the year 2000 and finally, as Deputy Collector in the year 2006. The respondent, vide G.O.(D) No.191, Labour and Employment Department dated 23.6.2011, by exercising powers under Rule 9(A) of the Tamil Nadu Civil Services (D & A) Rules, had ordered common enquiry as against

the petitioner and three others. Thereafter, vide G.O.(2D) No.264, Revenue Department dated 30.6.2011, the petitioner was placed under suspension and by G.O.(2D) No.266, Revenue Department dated 30.6.2011, he was not permitted to retire from service on reaching the age of superannuation on 30.6.2011. Subsequently, the respondent, by letter dated 30.9.2011, framed charges against the petitioner on the allegation that he issued certificates to several persons with ulterior motive. Thereafter, the respondent appointed an enquiry officer and after enquiry, the enquiry officer submitted his report holding that the charges were proved. On 6.1.2015, the respondent communicated a copy of the enquiry report to the petitioner calling upon him to submit a representation within 15 days, for which, the petitioner submitted his further representation. But, till date, final order has not been passed. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondent herein to pass final orders on the disciplinary proceedings concluded in Letter No. 16017 / N1/2014-10 dated 6.1.2015 against the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

The Secretary to Government,
Labour and Employment Department,
Secretariat, Chennai-9.

+1cc to M/S.Ravishanmugam, Advocate Sr.70658

+1cc to the Government Pleader sr.71302

W.P.No. 42162 of 2016

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srg 07/12/2016