

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2016

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.43308 of 2016

D.Arulchelvan

... Petitioner

-Vs-

The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

.... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to pass final orders in the disciplinary proceedings pending against the petitioner pursuant to the charge memo issued by the respondent in Na.Ka.5914/2015/A1 dated 23.01.2016 and grant all consequential benefits to him including disbursement of the Special Provident Fund amount due to him within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.P.Chinnadurai, Govt.Advocate.

O R D E R

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

2. The petitioner, while working as Village Administrative Officer of Kilvelur Village, Kilvelur Taluk, Nagapattinam District, was initiated with disciplinary proceedings in the form of charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules dated 23.01.2016. The petitioner, in response to the charge memo, submitted a written statement of defence dated 28.01.2016, denying the charges and not satisfied with the same, the Headquarters Deputy Tahsildar, Nagapattinam, was appointed as Enquiry Officer and he also conducted an enquiry and submitted a report dated 22.03.2016 holding the charges levelled against the petitioner, having been

proved. The petitioner was also furnished with a copy of the Enquiry Report and he submitted an explanation on 10.05.2016.

3. Learned counsel for the petitioner would submit that inspite of the Enquiry Officer concluded that the charges framed against the petitioner having been proved, the Disciplinary Authority, namely, the respondent is yet to pass final orders and therefore, he came forward to file this writ petition.

4. Heard, the submission of Mr. P.Chinnadurai, Government Advocate who accepts notice on behalf of the respondent.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondent to pass final order on the enquiry report dated 22.03.2016 on merits and in accordance with law consider and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

+1cc to M/s.P.Rajendran, Advocate sr.74430

+1cc to The Government Pleader, sr.73671

sk(co)
ss(12/01/2017)

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