

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE K. KALYANASUNDARAM

W.P.No.581 of 2016
and WMP.No.418 of 2016

S.Mohamed Jahangir

...Petitioner

Vs

1.The Director,
Local Fund Audit,
Kuralagam, Chennai-108.

2.The Assistant Director,
Local Fund Audit, Villupuram. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from passing final order in the enquiry held against the petitioner till the final disposal of W.P.No.1307 and 1308/2015 on the file of this Honourable Court.

For Petitioner : Mr.P.Chandrasekaran

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

O R D E R

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

2. This writ petition is filed for issuance of writ of mandamus forbearing the respondents from passing final orders in the enquiry till the disposal of WP.Nos.1307 and 1308 of 2015.

3. The case of the petitioner is that the 2nd respondent placed the petitioner under suspension on 29.09.2014 and thereafter, issued a charge memo. Challenging both the proceedings, the petitioner filed writ petitions WP.Nos.1307 and 1308 of 2015. When the writ petitions are pending consideration, the respondents cannot proceed with the disciplinary proceedings and pass final order.

4. The learned Special Government Pleader submitted that admittedly there is no stay in the earlier writ petitions, therefore, the respondents are at liberty to proceed with the departmental enquiry and pass final orders. It is further submitted that the 2nd respondent issued second show cause notice along with the report of the Enquiry Officer on 12.10.2015, the petitioner without submitting his explanation within the stipulated time, filed this writ petition to prolong the litigation.

5. Indisputably, this Court did not grant an order of stay in the writ petition filed challenging the charge memo. In view of the fact, the respondent had proceeded with disciplinary proceedings and has now issued a second show cause notice along with the report of the enquiry officer. The petitioner, who chose to participate in the enquiry filed this writ petition.

6. Considering the above facts, this Court is of the opinion that there is no merit in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
Local Fund Audit,
Kuralagam, Chennai-108.

2.The Assistant Director,
Local Fund Audit, Villupuram.

+ 1 cc to Mr.P. Chandrasekaran, Advocate SR.1757
+ 1 cc to Government Pleader, Sr.1790

W.P.No.581 of 2016

CA(CO)
EU 10.02.16