



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.10.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD) No.1320 of 2016
and
CMP(MD)No.9380 of 2016

1. The Secretary to Government
Finance (Local Fund) Department
Fort St. George, Chennai - 9.

2. The Director
Local Fund Audit Department
4th Floor, Kuralagam
Chennai - 600 108.

.. Appellants

Vs.

M.Krishna Prasad

.. Respondent

PRAYER: Appeal against the order of the learned
Single Judge dated 1.4.2013 made in W.P. (MD) No.5044
of 2008.

Prayer in WP(MD). 5044/ 2008 : Writ Petition filed
under Article 226 of the Constitution of India,
praying this Court To issue a writ of certiorari,
calling for the records of the 1st respondent s
proceeding in Government Order (2D) No.28, Finance
(Local Fund) Department dated 17.3.2008 and quash the
same.

For Appellants : Mr.A.K.Baskara Pandian
Special Government
Pleader

For Respondent : Ms.S.Padmavathi



(2)

JUDGMENT

(Delivered by the *Hon'ble Chief Justice*)

The impugned order of the learned Single Judge dated 1.4.2013 is predicated on an unexplained inordinate delay in the departmental proceedings. In paragraph (9) of the impugned order, it has been noticed that the impugned order before the learned Single Judge was passed on 17.3.2008 with a total delay of about 12 years in initiating the disciplinary proceedings. After referring to different judicial pronouncements on the issue of fair-play for a public servant and the requirement of completion of departmental proceedings within a reasonable period of time, it was noticed that enquiry having been completed as early as 23.12.2002, the respondent was furnished with a copy of the report of the Enquiry Officer after three years. The impugned order was, in fact, passed after the respondent approached the Court seeking promotion.

2. We find, thus, no infirmity on the application of the legal principles in the given facts and circumstances of the case, as it suffers from gross and unexplained delay in the departmental proceedings.

The appeal is dismissed accordingly. No costs. Consequently, C.M.P. (MD) No.9380 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

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+1 cc to The Special Government Pleader in SR.No. 58544
sasi
CSL/DB/14.10.2016: 2P/4C

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