



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14532 of 2016

K.Bernardshaw

.. Petitioner

vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Revenue Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent ie., the Principal Secretary to Government, Revenue Department, Chennai to dispose of the disciplinary action initiated against the petitioner in memo No.Ser 2(2) 108046/2005, dated 05.01.2006 of the Commissioner of Revenue Administration, Chennai, within a stipulated time frame in the light of the orders passed in G.O.(2D)No.574 Revenue Department, dated 05.10.2007 and the detailed orders of this Honourable Court in W.P(MD)Nos.9340 and 9341 of 2006, dated 24.10.2009 in respect of the same charge memo.

For Petitioner	:Mr.S.Visvalingam
For Respondents	:Mr.M.Murugan, Government Advocate

ORDER

The Petitioner Mr.K.Bernardshaw has filed this Writ Petition under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the Principal Secretary



to Government, Revenue Department, Chennai, to dispose of the disciplinary proceedings initiated against the petitioner in memo No.Ser 2(2) 108046/2005, dated 05.01.2006, issued by the Commissioner of Revenue Administration, Chennai, within a stipulated time.

WEB COPY

2. The case of the petitioner is that he was issued with the charge memo in memo No.Ser 2(2) 108046/2005, dated 05.01.2006, while he was serving as Assistant in the Taluk Office, Ramanathapuram. Finally, after all the procedures, the Enquiry Officer on completion of enquiry, submitted his report on 29.03.2007. Thereafter, he has submitted his further report on 12.03.2008. But, till date, no final order has been passed by the Government. Therefore, the petitioner has come to this Court.

3. It is the claim of the petitioner that he reached the age of superannuation way back on 31.03.2012, but he was not allowed to retire from service, vide G.O.(2D)No.147, Revenue (Ser.2(1) Department, dated 30.03.2012.

4. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

5. Considering the fact that the petitioner was placed under suspension even after reaching the age of superannuation way back on 31.03.2012 and bearing in mind that the Enquiry Officer has also submitted his report on 12.03.2008, this Court finds no impediment to direct the first respondent to pass final orders in the disciplinary proceedings initiated against the petitioner.

6. Accordingly, the first respondent is directed to pass final orders in the disciplinary proceedings initiated against the petitioner in memo No.Ser 2(2) 108046/2005, dated 05.01.2006, issued by the Commissioner of Revenue Administration, Chennai, within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Revenue Department, Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 cc to M/s.S.Visvalingam, Advocate in SR.No.43311/16

+1 cc to The Special Government Pleader in SR.No. 43646

pm

CSL/SK-SKN/23.08.2016: 3p/6c

W.P. (MD) No.14532 of 2016
10.08.2016