



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2016

CORAM

THE HONOURABLE **MR.JUSTICE T.RAJA**

W.P(MD) .No.15979 of 2016

Kumaravel

... Petitioner

Vs

1.The Chairman,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-32.

2.The Member Secretary,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-32.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 1st respondent to complete the enquiry and pass final orders in the charge memo dated 05.11.2012 within the stipulated period which this Hon'ble Court may deem fit and proper in the circumstances of the case.

For petitioner : Mr.G.Marimuthu
For Respondents : Mr.C.Elaman

ORDER

It is the case of the petitioner that he was appointed as Assistant Engineer in Tamil Nadu Pollution Control Board in the year 1990. He was given promotion as Assistant Environmental Engineer in the Office of the District Environmental Engineer, Tuticorin District. Whiles, a case was registered against him by the Vigilance and Anti-Corruption, Tirunelveli Detachment in Cr.No.08 of 2008 under Section 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988, whereupon, the first respondent herein/Chairman, Tamil Nadu Pollution Control Board, Chennai, issued a charge memo against the petitioner, for which, the petitioner submitted a detailed representation. Finally, the Enquiry Officer, not



being satisfied with the petitioner's explanation, completed the enquiry in the month of July 2015.

2. The only grievance of the petitioner is that, for the charge-memo issued in the year 2012, even after the enquiry was over in the year 2015, the Disciplinary Authority has kept the report of the Enquiry Officer in cold storage, as a result, the petitioner lost many avenues of promotion, thereby, his juniors got continuous promotions, while he was subjected to humiliation and embarrassment. Therefore, he has approached this Court with a request to direct the first respondent to pass final orders over the charge memo dated 05.11.2012.

3. The learned Standing counsel for the respondents submitted that since a criminal case is pending in Cr.No.08 of 2008 under Section 13(2) r/w 13(1) (e) of Prevention of Corruption Act, 1988 against the petitioner, final orders could only be passed, after getting sanction from the Vigilance and Anti-Corruption Department.

4. Even if it is true that before passing final orders, prior sanction should be obtained from the competent authority, since the departmental proceedings have already come to an end on completion of the enquiry in July 2015, the disciplinary authority shall proceed further without waiting for the verdict of the Criminal Court. In that view of the matter, a direction may be given to the first respondent to complete the enquiry and pass final orders on the charge memo dated 05.11.2012.

5. Accordingly, the first respondent is hereby directed to proceed further in the manner known to Law, by giving a copy of the enquiry report to the petitioner and inviting him to submit his further representation and thereafter, to pass final orders, having regard to the explanation of the petitioner, report of the Enquiry Officer and other relevant records, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

<https://hcservices.ecourts.gov.in/hcservices/> / True Copy/

Sub Assistant Registrar



VS

To

1.The Chairman, The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai-32.

WEB COPY

2.The Member Secretary,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai-32.

+1CC to Mr.C.Elaman, Advocate Sr.No.47792

+1CC to Mr.G.Marimuthu, Advocate Sr.No.47601

GJM/PV/23.9.16-3p-5c

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