



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2016
CORAM

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) .No.16707 of 2016

N.S.Manilal

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Cooperative Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent to pass final order in his proceedings in Letter No.14029/CL1/2006-9 dated 11.1.2008 in respect of the disciplinary proceedings against the petitioner and consequently directing the second respondent to pay all the retirement benefits and the arrears amount due with service benefits to the petitioner.

For petitioner : Mr.V.Kannan
For Respondents : Mr.T.R.Janarthanam
Addl. Govt. Pleader

ORDER

The petitioner, who has suffered the departmental proceedings initiated by issuing a charge memo, dated 26.08.2002, with order of suspension for alleged incident took place during the period of 1994-1996, has come to this Court seeing a Mandamus directing the respondents to pass final order on the pending departmental proceedings.

2. Heard both sides.

3.After the petitioner was placed under suspension, when the issuance of charge memo, dated 26.08.2002, relating to alleged incident took place during the period 1994-1996, was issued, the petitioner co-operated for the enquiry and finally the Enquiry



Officer also on completion of enquiry, submitted his report on 29.10.2004. Thereafter, no final order was passed. However, he was allowed to retire with effect from 31.08.2002 by order dated 06.02.2006. Subsequently, the petitioner was also issued with a proposed punishment, namely, the second show-cause notice asking him to show-cause why he should not be issued with punishment of deduction of Rs.500/- on every month from his monthly pension, for which also, the petitioner has given his explanation on 05.03.2008. In spite of the fact that he was allowed to retire by an order dated 06.02.2006 with effect from 31.08.2002, it is not known why the disciplinary authority till date is keeping the files in cold storage.

4.The learned Additional Government Pleader appearing for the respondents agreeing with the submission made by the learned counsel for the petitioner that the criminal case also came to end on 27.04.2015 in favour of the petitioner, and he sought for eight weeks time to dispose of the disciplinary proceedings.

5.Recording the abovesaid submission, the first respondent is directed to pass a final order on the disciplinary proceedings in Letter No.14029/CL1/2006-9 dated 11.01.2008 keeping in mind the fact that the petitioner has already reached the age of 73 years, within a period of four weeks from the date of receipt of a copy of this order. Needless to mention that the respondents shall release his pensionary benefits forthwith.

6. With the above direction, this writ petition is disposed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

skn

To

1.The Secretary, Cooperative Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Joint Registrar of Cooperative Societies,
Tirunelveli Region, Tirunelveli - 2.

+1CC to Mr.V.Kannan, Advocate Sr.No.49809

+1CC to Spl.Government Pleader Sr.No.50188

GJM/SKS/RR/18.10.16-2p-5C