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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

C O R A M

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.17781 of 2016

K.Vijayan

.. Petitioner

Vs.

1.The Director,
Director of Town Panchayat,
Kuralagam, Chennai - 600 001.

2.The Asst. Director of Town Panchayat,
Nagercoil Zone,
Kanyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to conduct enquiry within a stipulated period for the charges contained, charge memo in Letter No.9912/2016/A1, dated 27.07.2016, by considering the petitioner's explanation, dated 05.08.2016.

For petitioner ... Mr.S.Kumaresan

For Respondents ... Mr.T.S.Mohamed Mohideen
Additional Govt.Pleader

O R D E R

This writ of Mandamus has been filed seeking direction to the respondents to conduct an enquiry within a limited time to be fixed by this Court.

2.In respect of the charge memo, dated 27.07.2016, explanation has already been submitted on 05.08.2016. Therefore, it may be possible to complete the enquiry within three months.

3.The charges framed against the petitioner reads as under:-

"Charge-I: That the Thiru K.Vijayan, Executive Officer, Karungal Town Panchayat, Kanyakumari District, Nagercoil Zone demanded Rs.10,000/- on 25.07.2016 at 12.45 hrs at Karungal Town Panchayat Office from Thiru K.Sundar Raj, Contractor, Panavilai, Karungal Post, Kanyakumari District as reward for the receipt of the EMD amount of Rs.98,337/- through cheque on 31.03.2016.



Charge-II: That the said Thiru K.Vijayan, Executive Officer, Karungal Town Panchayat, Kanyakumari District, Nagercoil Zone had violated rule No.20(1) of the Tamil Nadu Government Servants Conduct Rules, 1974."

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4.Having regard to the scope of the charges, the respondents are directed to complete the enquiry within three months from the date of receipt of a copy of this order.

5.The learned Additional Government Pleader expressed his apprehension that if the enquiry could not be completed within three months, on account of dilatory tactics adopted by the petitioner by dragging on the proceedings, the respondent may have to face the contempt proceedings.

6.It is made clear that if the enquiry could not be completed on account of deliberate and wilful conduct of the petitioner herein, the respondent will not be liable for contempt. The petitioner shall co-operate for the speedy completion of enquiry.

7.With the above directions and observations, the writ petition is disposed of. No costs.

Sd/
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Director,
Director of Town Panchayat,
Kuralagam, Chennai - 600 001.

2.The Asst. Director of Town Panchayat,
Nagercoil Zone,
Kanyakumari District.

+1cc to M/S.S.Kumaresan, Advocate in SR.No.53523
+1cc to Special Government Pleader in SR.No.53948

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rj2

PA/AAL-MPA/SAR III/28.09.2016/2P/5C