



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.18469 of 2016

R.ARPUTHARAJ

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT, TIRUNELVELI.
2. THE INSPECTION CELL OFFICER,
INSPECTION CELL OFFICE, 2ND FLOOR,
COLLECTOR OFFICE, TIRUNELVELI DISTRICT,
TIRUNELVELI.
3. THE BLOCK DEVELOPMENT OFFICER,
VASUDEVANALLUR PANCHAYAT UNION,
TIRUNELVELI DISTRICT. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the 2nd respondent to complete the enquiry and file a report to the 1st respondent within a stipulated time.

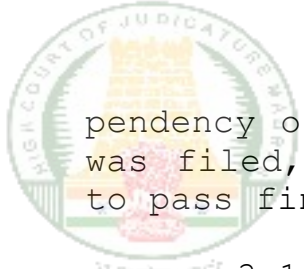
For petitioner	... Mr.R.J.Karthick
For R1 and R2	... Mr.S.Kumar Additional Government Pleader
For R3	... Mr.Muthukaruppan

O R D E R

This is a writ of mandamus, seeking direction to the 2nd respondent to complete the enquiry and to file a report to the 1st respondent within a limited time frame to be fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner had been functioning as President of Naranapuram Panchayat. Based on the complaint of the petitioner against the Secretary, a show cause notice, dated 25.09.2012, was given and explanations were called for with regard to the allegations levelled against the Secretary. Since there was no explanation submitted, for the notice dated 25.09.2012, he was placed under suspension. Later on, the Secretary preferred an appeal dated 16.10.2012 to the third respondent. During the



pendency of the appeal a writ petition in W.P.(MD)No.2395 of 2013 was filed, where under, this Court directed the third respondent to pass final orders on the appeal petition dated 16.10.2012.

3.1. Later on, the appeal petition was dismissed on the ground that the appeal is not maintainable as against the order of suspension. Recording the same, the writ petition was disposed of. Thereafter, on 25.04.2013, the Secretary was dismissed from service.

4. Thereafter, he preferred an appeal to the first respondent. The first respondent got a report from the third respondent and based on that report, he set-aside the order of removal passed against the Secretary.

4.1. Challenging the same, the petitioner preferred a petition on 28.12.2015 to the Special Officer, Chief Minister's Cell, under which, the second respondent was appointed as an enquiry officer to enquire about the complaint. Notice on enquiry dated 18.07.2016 was issued calling upon the petitioner to appear before the enquiry officer on 01.08.2016. Accordingly, the petitioner appeared and adduced his part of the evidence and relevant documents have also been submitted. There was an intimation to the petitioner that the second respondent will be filing the enquiry report to the first respondent. Anticipating some action, the petitioner was waiting, but no response is forthcoming. Hence, the writ petition is filed seeking necessary direction.

5. Considering the facts and circumstances narrated supra and also considering the legitimate request of the petitioner, the second respondent is directed to complete the enquiry and to submit the enquiry report to the first respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of report from the second respondent, the first respondent shall pass suitable orders within a period of two weeks thereafter.

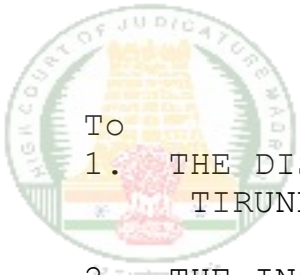
6. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

1. THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT, TIRUNELVELI.

2. THE INSPECTION CELL OFFICER,
INSPECTION CELL OFFICE, 2ND FLOOR,
COLLECTOR OFFICE, TIRUNELVELI DISTRICT,
TIRUNELVELI.

Rj2

sm:PM-PN:16.2.2017:3P/3C

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