



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 23746 of 2016

M. Rajan

... Petitioner

vs.

The Commissioner,
Tribunal for Disciplinary Proceedings,
4/929, Rahmath Nagar,
Maharaja Nagar Post,
Tirunelveli-627 011.

... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondent to dispose the disciplinary proceeding pending in proceedings No. A2/134/2014 (TDP No. 3/2014) within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr. M. Kannan

For Respondent : Mr. S. Sathish Kumar
Additional Government Pleader

ORDER

The prayer in the writ petition is for a Writ of Mandamus, directing the respondent to complete the disciplinary proceedings pending before the respondent in proceedings No. A2/134/2014 (TDP No. 3/2014) and decide the same, within a time frame to be fixed by this Court.

2. As against the petitioner, some charges were framed and thereafter, the enquiry was referred to the respondent/Tribunal for Disciplinary Proceedings under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. Thereafter, charges were framed by the respondent and by proceedings of the respondent dated 28.07.2014, copy of the charges framed against the petitioner and list of witnesses were forwarded to the Executive Engineer, Technical Education Division, Public Works Department, Tirunelveli-7, the immediate employer of the petitioner, for serving the same to the petitioner. Thereafter, the charges were served on the petitioner. In spite of completion of these formalities, the respondent has not taken up and complete the

enquiry and the same is pending for the past two years without any further progress.

3. Contending that the petitioner is going to retire by August 2017, on attaining the age of superannuation and by virtue of the charges, his promotional prospects is also getting affected, he has come out with the present writ petition for appropriate direction to the respondent to decide the said disciplinary proceedings at the earliest.

4. Heard both sides.

5. Since the charges had already been framed by the respondent and also the same was served on the petitioner, there can be no further plausible reason to prolong the enquiry as according to the learned counsel for the petitioner, there is no progress in the disciplinary proceedings and it has been kept pending all along for the past two years.

6. Therefore, in view of the said facts and circumstances, this Writ Petition is disposed of with the direction to the respondent to take up the said disciplinary proceedings initiated against the petitioner, by conducting the enquiry and after completing the same, final order shall be passed within a period of three months from the date of receipt of a copy of this order. It is made clear that the petitioner on receipt of the notice/summon from the respondent, shall co-operate with the respondent for completion of the enquiry, so that the direction herein granted by this Court can be complied with, within the time stipulated by this Court. No costs.

Sd/-

Deputy Registrar (J)

/True Copy/

Sub Assistant Registrar

nbi

To

The Commissioner, Tribunal for Disciplinary Proceedings,
4/929, Rahmath Nagar, Maharaja Nagar Post, Tirunelveli-627 011.

+1CC to Mr. M. Kannan, Advocate Sr.No. 79759
+1CC to Spl. Government Pleader Sr.No. 80294

GJM/GSV/PM/SAR-I-23.12.16-3p- 4C