



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.4200 of 2016

A.Karunakaran

... Petitioner

Vs.

The Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent ie., the Principal Secretary to Government, Home Prohibition and Excise Department, Chennai to communicate the report of the Enquiry Officer and pass final orders in the disciplinary proceedings initiated by the Director of Fire and Rescue Services, Chennai in PR.No.03/2014 Letter No.4031/B5/2014, dated 10.04.2014 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.S.Chandrasekar,
Government Advocate**ORDER**

Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondent.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the respondent to communicate the report of the Enquiry Officer and pass final orders in the disciplinary proceedings initiated by the Director of Fire and Rescue Services, Chennai in PR.No.03/2014 Letter No.4031/B5/2014, dated 10.04.2014 within a stipulated time.

4. The case of the petitioner is that he was last serving as District Fire Officer and attained the age of superannuation on 30.06.2014 and disciplinary action was initiated against him, an Enquiry Officer was appointed by the Government in G.O.No.418(RD) Home Department (Police 17), dated 27.06.2014 and enquiry was conducted on 13.10.2015 and 19.10.2015 and the enquiry was also said to be completed. However, final orders are yet to be passed and enquiry report was not communicated to the petitioner. As the petitioner has already attained the age of



superannuation, his retirement benefits are withheld for more than a year. Hence, the petitioner has made a representation before the respondent on 03.11.2014. As there is no response, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the limited scope of the prayer made in this Writ Petition, without expressing any opinion on the merits of the case, the respondent is directed to pass final orders in the disciplinary proceedings initiated by the Director of Fire and Rescue Services, Chennai in PR.No.03/2014 Letter No.4031/B5/2014, dated 10.04.2014, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, based on the representation of the petitioner, dated 03.11.2015.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

+ 1 CC TO MR.S.VISVALINGAM, ADVOCATE IN SR NO. 11599
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 11825

PM
TE/SK-SKN/ : 10/03/2016 : 2P/4C

W.P (MD) No.4200 of 2016
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