

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WRIT PETITION NO.12740 OF 2017

AND

W.M.P.NO.13590 OF 2017

Dr.K.Veerasamy

... Petitioner

Vs.

1. The Director of Horticulture
and Plantation Crops
Chepauk,
Chennai - 600 005.

2. The Deputy Director of Horticulture (incharge)
Kundu Salai, Semmandalam,
Cuddalore - 607 001.

3. The Director of Agriculture
Chepauk, Chennai - 600 005.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Director of Horticulture and Plantation Crops, Chennai - 5, the first respondent herein to pass final orders in the disciplinary proceedings initiated against the petitioner pursuant to the charge memo issued in Reference No.ONaP1/3427/2016-1 dated 07.03.2016 within a short date.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is working as a Deputy Director of Agriculture. A charge memo was issued to him on 07.03.2016, for which, he has submitted his explanation on 05.04.2016. The second respondent was appointed as Enquiry Officer on 22.11.2016 and enquiry was held on 01.12.2016. The Enquiry Officer has submitted his report in January 2017 and from January 2017, the matter is kept pending. The petitioner is aged about 57 years and is likely to get further promotion to the post of Joint Director of Agriculture. However, in view of the pendency of the charge memo, he is unable to get promotion.

3. According to the petitioner, vide letter No.1118/Per-N/87, dated 22.12.1987, Personnel and Administrative Reforms (Per-N) Department, Government of Tamil Nadu, has framed time limit for passing orders on the disciplinary proceedings, according to which, the disciplinary authority shall pass orders within a period of ten (10) days as per sub-clause (v) of para 4 of the letter dated 22.12.1987.

4. The learned counsel for the petitioner would also draw our attention to the order of this Court in S.GANDHI VS. STATE OF TAMIL NADU [2006 (3) MLJ 80] wherein this Court has held that the disciplinary authority shall pass orders within the specified time and on failure of the same, charges deemed to be dropped.

5. Now, the writ petitioner is seeking for a limited prayer of passing final orders in the disciplinary proceedings pending before the first respondent within a specified time.

6. Considering the same, this Court is inclined to grant the relief by directing the first respondent - disciplinary authority to pass final orders in the disciplinary proceedings initiated against the petitioner pursuant to the charge memo issued in Reference No.ONP1/3427/2016-1 dated 07.03.2016, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

TK

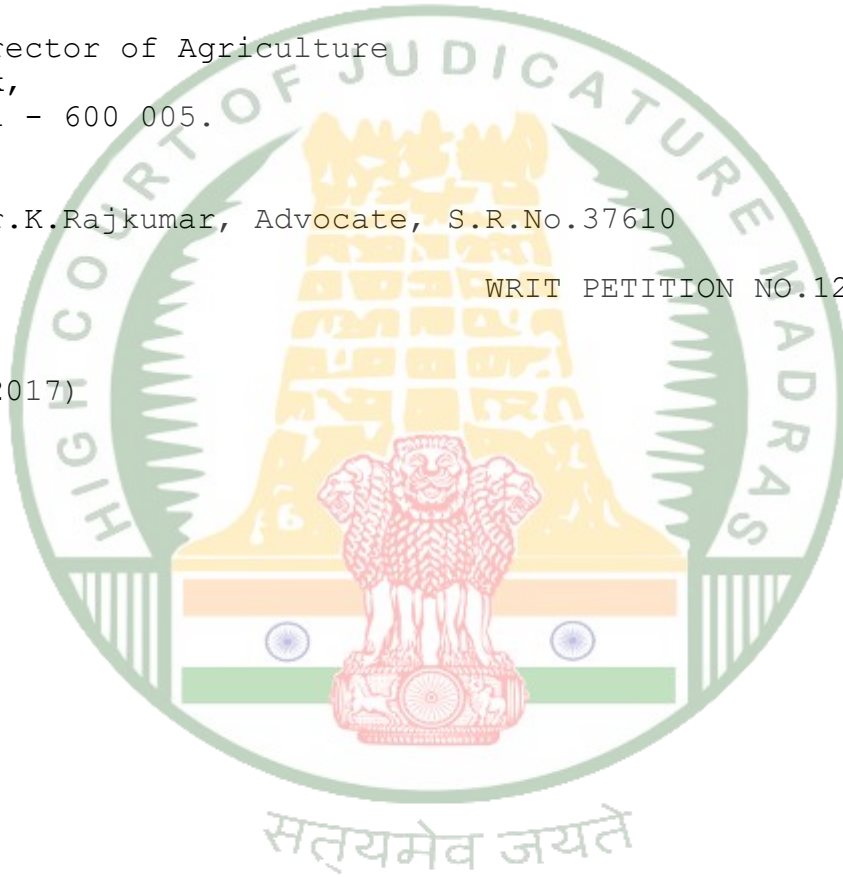
To

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and Plantation Crops
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Chennai - 600 005.
2. The Deputy Director of Horticulture (incharge)
Kundu Salai,
Semmandalam,
Cuddalore - 607 001.
3. The Director of Agriculture
Chepauk,
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+1cc to Mr.K.Rajkumar, Advocate, S.R.No.37610

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SV(CO)
CA(22/05/2017)



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