

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3848/2017

G.Balachandran

..Petitioner

Vs

1.The Secretary to Government
Rural Development and Panchayat
Raj Department, Secretariat
Chennai 600 009.

2.The Director of Rural Development
Panagal Buildings, Saidapet
Chennai-600 015.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pass orders on the completed disciplinary proceedings by issuing a show cause notice in Letter No.22513/2013-46, Rural Development and Panchayat Raj Department dated 27.07.2016 communicating the provisional conclusion to impose the punishment of pension cut of sum of Rs.100/-[Rupees One Hundred only] per month for a period of five months which the petitioner has also accepted in his letter dated 16.08.2016 submitted through the District Collector, Coimbatore District and also reiterated in the letters dated 03.09.2016 and 06.10.2016 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The petitioner while working as Assistant Director of Town Panchayat, was visited with disciplinary proceedings in the form of charge memo dated 20.08.2013 issued by the 2nd respondent under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules. The petitioner has submitted his written statement of defence on 02.12.2013, denying the allegations and after enquiry, the Enquiry Officer has

submitted a report dated 27.11.2014 and the petitioner has also submitted his further explanations on 14.07.2015 and 12.09.2015 respectively. The petitioner would further aver that the 1st respondent has also passed orders in G.O.[D] No.89, dated 29.02.2016, permitting the petitioner to retire from service on attaining the age of superannuation on 29.02.2016 and also indicated that the disciplinary proceedings shall be under Rule 9 of the Tamil Nadu Pension Rules.

3. The 1st respondent had also issued a show cause notice on 27.07.2016 calling upon the petitioner for his willingness on the provisional conclusion of the Government to impose a pension cut of Rs.100/- for a period of 5 months as penalty and the petitioner has also expressed his consent vide letter dated 16.08.2016, submitted through the District Collector, Coimbatore District. However, no orders have been passed based on the consent letter given by the petitioner dated 16.08.2016 and in this regard, the petitioner has also submitted representations dated 03.09.2016 and 06.10.2016 respectively to the 1st respondent to pass appropriate orders, based on the consent given by him and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

4. Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5. This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's willingness on the provisional conclusion vide his letter dated 16.08.2016 as well as his representations dated 03.09.2016 and 06.10.2016 respectively, on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
Rural Development and Panchayat
Raj Department, Secretariat

2.The Director of Rural Development
Panagal Buildings, Saidapet
Chennai-600 015.

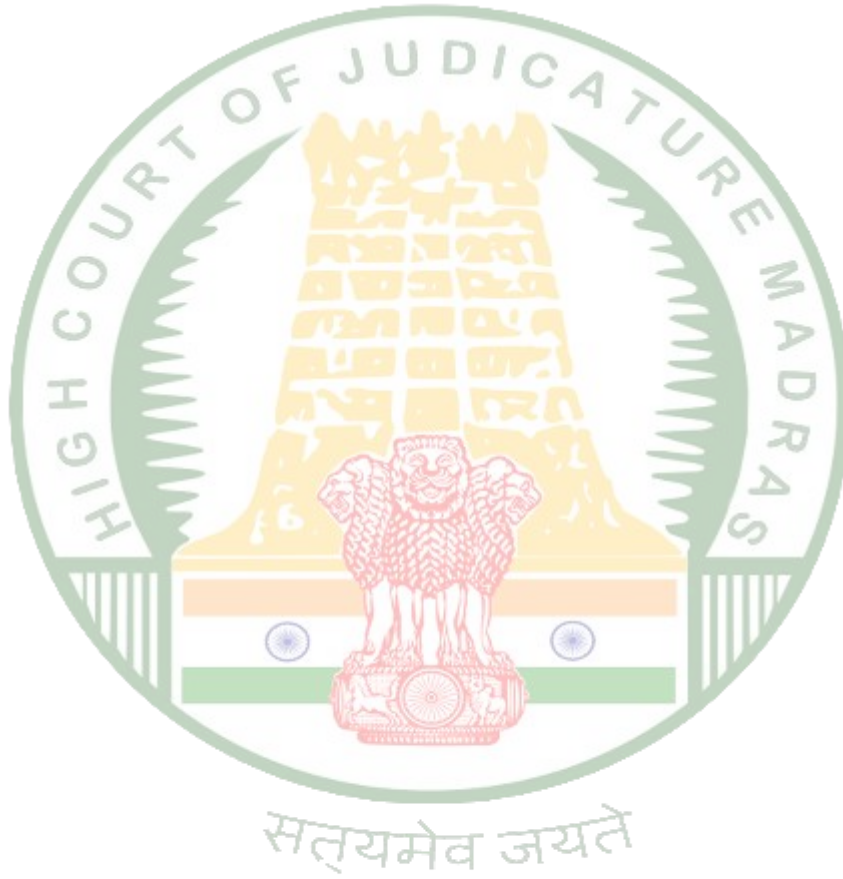
+1cc to M/S.T. Ranganathan, SR. 10067

+1cc to M/S. Government Pleader SR. 10590

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NR(CO)

VR(27/02/2017)



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