

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29576 of 2015
and
M.P.Nos.1 & 2 of 2015

M.Jehajothi

... Petitioner

Versus

1. State of Tamil Nadu, rep. by its
Secretary to Government,
Rural Development & Panchayat Raj Dept.,
Secretariat, Chennai - 600 009.
 2. The District Collector,
Perambalur District,
Perambalur.
 3. The District Collector,
Ariyalur District,
Ariyalur.
- Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the charge memorandum issued by the 2nd respondent in No.PA2/14655/96 dated 26.12.1996 and quash the same and direct the respondents to settle all the terminal benefits to the petitioner.

For Petitioner : Mr.P.Ganesan for
M/s.C.S.Associates

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

A charge memo, issued by the second respondent in proceedings dated 26.12.1996, is under challenge in this writ petition.

2. The writ petitioner was initially appointed as Library Attender on 30.11.1960 and he was promoted further to the post of Assistant in the year 1966. Finally, he was promoted to the post of Block Development Officer in the year 1992.

3. On account of certain allegations, the charge memo was issued in proceedings dated 26.12.1996 and the charges are relating to certain lapses with regard to the expenditure occurred in the department. However, the disciplinary proceedings initiated against the writ petitioner in charge memo dated 26.12.1996 was not completed within the reasonable period.

4. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was due to retire from service on 31.01.1996 and he was placed under suspension on the eve of his retirement. The service of the writ petitioner was retained under Rule 56 (1) (c) of the Fundamental Rules. The writ petitioner is under continuous suspension for the past about 21 years and the disciplinary proceedings initiated against the writ petitioner has not been concluded till today.

5. The learned counsel for the writ petitioner made a submission that an enquiry was conducted and the Enquiry Officer submitted a report in the year 2003 itself and based on the enquiry report, the second show cause notice also was issued to the writ petitioner on 08.10.2011. In the second show cause notice, a provisional conclusion was arrived to recover Rs.1,20,736/- from the Death cum Retirement Gratuity (DCRG) of the writ petitioner by way of penalty.

6. The writ petitioner duly responded to the second show cause notice by submitting his explanations and no final decision has been taken by the respondents in the disciplinary proceedings. No doubt, the delay is inordinate on the part of the respondents and now the writ petitioner is aged about 78 years old and is unable to get his terminal and pensionary benefits.

7. The respondents have acted in an irresponsible manner by keeping an employee under suspension for more than 21 years without concluding the disciplinary proceedings. The Officers who are all responsible for such a huge delay also to be booked under the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

8. In this view of the matter, the respondents are directed to pass final orders in the disciplinary proceedings initiated against the writ petitioner in charge memo No.PA2/14655/96 dated 26.12.1996, within the period of four weeks from the date of receipt of a copy of this order. In the event of failure in passing the final orders within the period of four weeks, the

charge memo initiated in proceedings dated 26.12.1996 stands quashed and the respondents are directed to settle all the terminal and pensionary benefits to the writ petitioner thereafter, within a period of four months from the date of completion of four weeks granted for passing the final orders.

9. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cgi/svn

To

1. The Secretary to Government,
Rural Development & Panchayat Raj Dept.,
Secretariat, Chennai - 600 009.
2. The District Collector,
Perambalur District,
Perambalur.
3. The District Collector,
Ariyalur District,
Ariyalur.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.64760
+1cc to the Government Pleader, S.R.No.64938

W.P.No.29576 of 2015

GMI (CO)
CA(04/10/2017)

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