

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.2826 of 2017

K.Sankar

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
represented by Principal Secretary
to Government, Higher Education Department,
Secretariat,
Chennai - 600 009.

2. The Director of College Education,
Chennai - 600 006.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to pass final orders within a limited time frame as deemed fit by this Honourable Court in the disciplinary proceedings initiated against the petitioner in Memo No.21958/C1/2015 dated 23.07.2015 of the second respondent and to declare that the petitioner shall be deemed to have retired from the service on 29.02.2016 afternoon without any condition and with all consequential pensionary and retirement benefits and disburse the same with interest for the delayed payment.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader.

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O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner, while working as Associate Professor (Mathematics) in the service of Arignar Anna Government Arts College, Cheyyar, Tiruvannamalai District, visited with disciplinary proceedings in the form of charge memo dated

***23.07.2015** under Rule 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) Rules. The petitioner also submitted a written statement of defence and participated in the enquiry and though the enquiry was completed as early as on 20.10.2015, no final orders have been passed in the disciplinary proceedings. The petitioner was permitted to retire from service on 29.02.2016 without prejudice to the outcome of the disciplinary proceedings.

3. Learned counsel for the petitioner would submit that though the enquiry was completed on the disciplinary proceedings as early as on 20.10.2015, no final orders have been passed and in consequence, he is deprived of the retirement and terminal benefits. In this regard, he submitted representations dated 01.04.2016 and 09.08.2016 to the respondents and the first respondent, despite receipt and acknowledgement of the same, no orders have been passed. Hence, he came forward to file this writ petition.

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

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representations dated 01.04.2016 and 19.08.2016 on merits and in accordance with law ***and finalise the disciplinary proceedings** within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

Dated : 10.02.2017

***Corrected as per Order dated**

20.02.2017 and made in

W.P.No.2826 of 2017

Sd/- Assistant Registrar(CO)

Dated : 27.02.2017

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
2. The Director of College Education,
Chennai - 600 006.

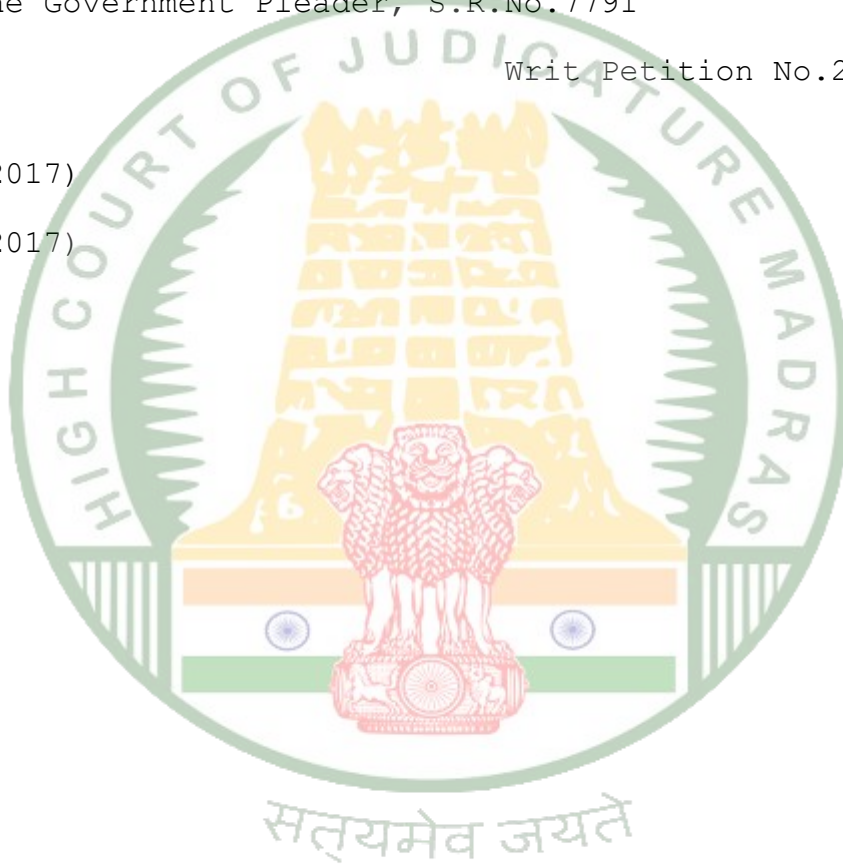
To be Substituted to
the Order already
despatched on 13.2.17

+1cc to Mr.M.Ravi, Advocate, S.R.No.10553
+1cc to the Government Pleader, S.R.No.7791

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GJ(CO)
CA(10/02/2017)

CA(27.02.2017)



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