

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28439 of 2017
and W.M.P.Nos.30538 and 30539 of 2017

P.R.Ramamoorthy

[Petitioner]

Vs

1 The Assistant Director of
Survey & Land Records, Thiruvallur

2 The Director of Survey &
Land Records Survey House, Chepauk
Chennai-5

[Respondents]

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned charge memo passed by him in Ref. No.A7/ 3410/ 09 dt.28.7.17 and quash the same and further direct the respondents to settle all the service benefits including promotion as Sub-Inspector of Survey Monetary and retirement benefits of the petitioner within a reasonable time.

For Petitioner:: Mr.M.Muthappan

For Respondents:: Mr.K.Rajendraprasad, GA

ORDER

Mr.K.Rajendraprasad, learned Government Advocate, takes notice for the respondents and with the consent on both sides, the main writ petition itself is taken up for disposal at the admission stage itself.

2. This writ petition has been filed questioning the charge memo dated 28.07.2017 issued by the 1st respondent on the ground that when the petitioner was not found guilty and he was acquitted by order dated 26.09.2016, by the competent Criminal Court viz., the Special Court cum Chief Judicial Magistrate,

Thiruvallur in C.C.No.9 of 2010 on a similar and identical charges, the 1st respondent cannot issue the charge memo on 28.07.2017, after a lapse of one year from the date of acquittal in the criminal case.

3. This Court is unable to find any merit in the said contention of the petitioner. The reason is the petitioner was implicated in the criminal case registered in Crime No.16/AC/2009 on the file of the Inspector of Police, V&AC, Chennai Detachment and since the petitioner was got into a trap case, he was arrested and remanded to judicial custody. On 28.05.2009, he was placed under suspension. Subsequently, based on the order dated 04.10.2009, the petitioner was reinstated into service and posted to Tuticorin District on 04.10.2013. When the petitioner reached the age of superannuation on 31.01.2014, he was placed under suspension and not permitted to retire from service, by passing a speaking order on 31.01.2014 by the Assistant Director of Survey and Land Records, Tuticorin. Therefore, when he was retained in service, the disciplinary authority thought it fit to take up a similar and identical charges. When the petitioner has been retained in service and not permitted to retire, he is bound to answer the charge memo.

4. The learned counsel for the petitioner submitted that the petitioner has also submitted his explanation to the charge memo.

5. The learned Additional Government Pleader, appearing for the respondents submitted that since the Enquiry Officer has been appointed on 09.10.2017, the entire exercise will be completed within a reasonable time.

6. Keeping in mind the fact that the petitioner has reached the age of superannuation in the year 2014 and the Enquiry Officer has already been appointed, the Enquiry Officer is directed to complete the enquiry within a period of four months from the date of receipt of a copy of this order and thereafter, within one month, the disciplinary authority is directed to pass final orders.

7. With the above observations, the writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1 The Assistant Director of
Survey & Land Records, Thiruvallur

2 The Director of Survey &
Land Records Survey House, Chepauk
Chennai-5

+1 cc to Mr.M.Muthappan Advocate sr 79224

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