

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.07.2017
CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
WRIT PETITION No.18370 of 2017

Mr.S.Kajendiran ... Petitioner
Vs.

1. The Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai - 600 006.
2. The Joint Director(Disciplinary Authority),
Directorate of Medical and Rural Health Services,
Namakkal - 637 001.
3. The Deputy Director(Enquiry Officer),
Director of Medical and Rural Health Services,
Namakkal - 637 001. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd Respondent/Enquiry Officer to complete the enquiry proceedings vide Na.Ka.No.4003/(Ni)2/08, dated 02.02.2012 initiated under Rule 17(b) of the Tamilnadu Civil Services(Discipline and Appeal) Rules and further direct the 2nd Respondent to pass final order thereon, within a reasonable time frame.

For Petitioner : Mr.SP.Srinivasan

For Respondents : Mr.M.Perumal
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to complete the enquiry which was initiated under Rule 17(b) of the Tamil Nadu Civil Service(Discipline and Appeal) Rules, on 2nd February, 2012.

2. Learned counsel appearing for the writ petitioner contended that the writ petitioner was working as a driver in the Medical Department and retired from service on attaining the age of superannuation on 31st March 2015. The disciplinary proceedings was initiated against the writ petitioner, by issuing a charge memo by the second respondent in proceedings dated 23rd February, 2009. A criminal case under Section 304(A) and 279 of IPC in Crime No.677 of 2008 was also pending

at the relevant point of time and subsequently, the writ petitioner was acquitted from the criminal charges. In spite of that, the disciplinary proceedings are not concluded till today i.e.19.07.2017.

3. The learned counsel appearing for the writ petitioner also contended that the petitioner has already been retired from service and due to the pendency of the disciplinary proceedings, he is unable to receive his terminal and retirement benefits. Though, the charge memo was issued on 23rd February, 2009, there is no much progress shown in the disciplinary proceedings.

4. In this view of the matter, this Court is inclined to direct the respondents to complete the domestic enquiry in all respects by providing opportunity to the writ petitioner under the Rule and pass final orders in the disciplinary proceedings on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kak/maya

To

1. The Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai - 600 006.
2. The Joint Director(Disciplinary Authority),
Directorate of Medical and Rural Health Services,
Namakkal - 637 001.
3. The Deputy Director(Enquiry Officer),
Director of Medical and Rural Health Services,
Namakkal - 637 001.

+ 2 ccs to Mr.S.P. Srinivasan, Advocate SR.50365
+ 1 cc to the Government Pleader Sr.50987

W.P.No.18370 of 2017

EV(CO)

EU 21.08.17