

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2938 of 2017

&

W.M.P. No. 2826 of 2017

Radhakrishnan@ Radhakrishna

..Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

2. The Additional Director of Prisons,
Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison- I, Puzhal.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing 1st and 2nd respondents to pass final orders on the disciplinary proceedings initiated against the petitioner pursuant to the charge memo dated 16.09.2015 issued by the 2nd respondent in No. 8838/Po-1/2015 within the stipulated time.

For Petitioner :: Mr.L. Chandrakumar for
Mr.P.I. Thirumoorthy

For Respondents:: Mr.P. Chinnadurai
Govt. Advocate

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O R D E R

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

2. Mr.P. Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

3. The petitioner, on an earlier occasion, had filed W.P. No. 30623 of 2015 praying for quashment of charge memo dated 16.09.2015 issued by the 3rd respondent with a further direction to respondents 1 to 3 herein to settle his terminal/retirement benefits and this Court, taking note of the submission made on behalf of the respondents, disposed of the said writ petition by order dated 30.09.2015 permitting the petitioner to retire from service without prejudice to the disciplinary proceedings initiated against him and granted liberty to work out his further remedy, in the event of any adverse order passed against him.

4. Mr.L. Chandrakumar, learned counsel for the petitioner, on instructions, would submit that the petitioner was permitted to retire without prejudice to the pending disciplinary proceedings and the Enquiry Officer has concluded that the charges framed against the petitioner have been proved and a show cause notice has been issued on 29.07.2016 by the 2nd respondent for which the petitioner has also submitted his explanation on 16.08.2016 and in the light of the pendency of the disciplinary proceedings, he is yet to be conferred with retiral/terminal benefits and therefore, prays for appropriate orders.

5. Mr.P. Chinnadurai, learned Government Advocate appearing for the respondents would submit that appropriate orders, as expeditiously as possible, will be passed, with regard to the disciplinary proceedings initiated against the petitioner.

6. This Court, taking into consideration, the above facts and circumstances, directs the 1st respondent to consider the explanation/response dated 16.08.2016 submitted by the petitioner to the show cause notice dated 29.07.2016 issued by the 2nd respondent and pass appropriate orders, on merits and in accordance with law, within a period of ten 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. Connected W.M.P is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

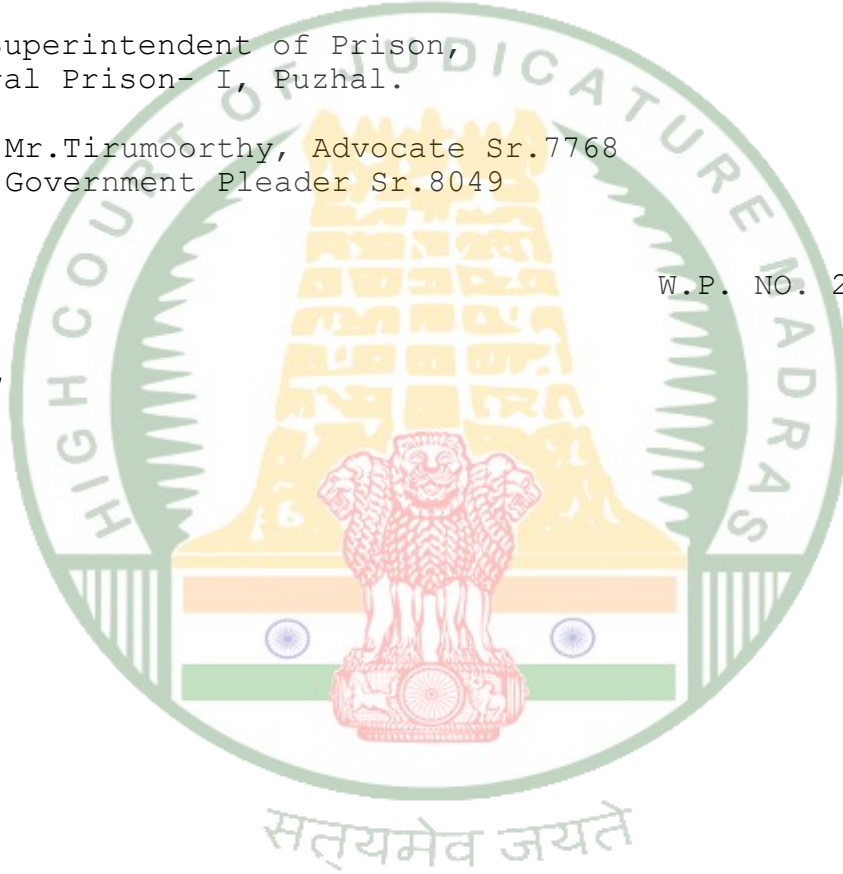
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To

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
 2. The Additional Director of Prisons,
Chennai - 600 008.
 3. The Superintendent of Prison,
Central Prison- I, Puzhal.
- + 1 cc to Mr.Tirumoorthy, Advocate Sr.7768
+ 1 cc to Government Pleader Sr.8049

W.P. NO. 2938 of 2017

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