IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6489 of 2015
And
M.P.No.11 of 2015

M.Kanchana .. Petitioner

vs.

1.The Secretary to Government,
Commercial Taxes and Registration
Department,
Fort St. George,
Chennai-9.

2.The Inspector General of Registration,
Chennai-28. .. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in connection with the impugned order passed by him in Proceedings No.45429/B1/2013 dated 17.10.2014 and Proc.No.45429/B1/2013 dated 28.10.2014 and quash the same and further direct the respondents to superannuate the petitioner from service and grant her all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.R.S.Selvam,
Government Advocate.

ORDER

The order of suspension dated 17.10.2014 and an order passed under Fundamental Rules 56(1)(c) retaining the writ petitioner in service beyond the date of superannuation in proceedings dated 28.10.2014, are under challenge in this writ petition.

2. The writ petitioner was holding the post of Sub-Registrar (Guidelines) in the Office of the District Registrar, Villupuram. On account of certain serious allegations, the writ petitioner was placed under suspension in proceedings dated 17.10.2014. The writ petitioner was due to retire from service on 31.10.2014, on attaining the age of superannuation. Thus, the second respondent issued an order in proceedings dated 28.10.2014, invoking the Fundamental Rules 56(1)(c) and retained the services of the writ petitioner in order to proceed with the disciplinary proceedings.

3. The learned counsel appearing for the writ petitioner contended that four charge memos were issued against the writ petitioner on 14.10.2011, 18.10.2013, 26.8.2014 and on 11.12.2014 respectively.

4. The learned Government Advocate, appearing on behalf of the respondents, contended that the Enquiry Officer has already been

appointed to conduct the domestic enquiry. The writ petitioner is unable to get her pensionary and terminal benefits for the past about three years and therefore, moved this writ petition, questioning the validity of the order of suspension.

5. This Court is of the opinion that there is no infirmity in the impugned order of suspension or in the order extending services of the writ petitioner. On account of initiation of the disciplinary proceedings relating to the charges, the writ petitioner was placed under suspension under Rule 17(e) of the Tami Nadu Civil Services (Discipline and Appeal) Rules. Since the writ petitioner was due to retire from service on attaining the age of superannuation, her services were retained and extended under the Rule 56)(1)(c) of the Fundamental Rules, both the orders passed by the second respondent are in accord with the Rules and there is no infirmity. However, the disciplinary proceedings initiated against the writ petitioner is to be concluded as early as possible in order to avoid further hardship to the writ petitioner.

6. However, the disciplinary proceedings initiated against the public servant is to be allowed to reach its logical conclusion and the competent authorities have to ensure that all disciplinary proceedings are proceeded with and concluded, within the reasonable period. Long pendency of the disciplinary proceedings will certainly cause hardship to

the public servant.

7. Though the Government issued guidelines, fixing the time limit for the conclusion of the disciplinary proceedings in certain cases, the authorities competent are prolonging the disciplinary proceedings without any reasonable cause. Thus, all disciplinary proceedings initiated against the public servants are to be concluded as early as possible, in order to reduce the hardship to the employees concerned.

8. In this view of the matter, this Court is required to direct the respondents to proceed with the enquiry as early as possible under the Rules and conclude the disciplinary proceedings in accordance with the procedures and the rules contemplated and pass final orders without any further delay.

9. With this observation, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18-08-2017

Speaking Order/Non-Speaking Order.
Index : Yes/No.
Internet : Yes/No.
Svn

To

1.The Secretary to Government,
Commercial Taxes and Registration
Department,
Fort St. George,
Chennai-9.

2.The Inspector General of Registration,
Chennai-28.

S.M.SUBRAMANIAM, J.

Svn

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