

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.33169 of 2013 &
M.P.Nos. 1 to 3 of 2013

Dr.V.Vairamani

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Health & Family Welfare Department,
Fort St. George, Chennai-600 009.
 2. The Director of Public Health & Preventive Medicine,
Teynampet,
Chennai-600 006.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue of Writ of certiorarified mandamus, calling for the records on the file of the 1st Respondent in its proceedings G.O.(3D). No. 20 Health and Family Welfare (D2) Department, dated 02.07.2012 and that of the 2nd Respondent in its proceedings, Memo R.No.044184/DA/10/S1-45 dated 27.08.2012 and quash the same and direct the respondents to settle the DCRG amount to the tune of Rs.6,55,796/- and the Special Provident Fund Amount to the tune of Rs.30,000/- to the petitioner with 18% interest per annum from 31.05.2010 till the date of payment.

For Petitioner : Mr.S.Selvathirumurugan

For R1- R2 : Mr.K.Thangapandi

Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to quash the order issued by the first respondent in G.O.(3D).No.20 Health and Family Welfare Department 02.07.2012 and the order of the second respondent dated 27.08.2012 and further direct the respondent to settle the terminal and pensionary benefits due to the writ petitioner.

2. The learned Counsel appearing for the writ petitioner made a submission that disciplinary proceedings were initiated against the writ petitioner during the eve of his

retirement; the petitioner is due to retire from service on 31.05.2010 and before retirement disciplinary proceedings were initiated and ultimately the petitioner was allowed to retire from service; thereafter, the disciplinary proceedings were initiated under rule 9 of Tamil Nadu Pension Rules.

3. The learned Additional Government Pleader appearing on behalf of the respondents states that there are 15 Official involved in the allegations and common enquiry proceedings were initiated in respect of all 15 delinquent Officials, however the Additional Government Pleader states that the process of enquiry is in progress in respect of four delinquent Officials and in respect of other officials enquiry has been concluded and the enquiry proceedings are delayed on account of the request made by the delinquent officials for change of enquiry Officer. The request was considered and new enquiry officer was appointed and he is in the process of conducting the enquiry. Thus the learned Additional Government Pleader requests that some more time may be granted for conducting the enquiry and to pass final order in disciplinary proceedings.

4. No doubt, the disciplinary proceedings initiated against the Government Officials to be concluded as early as possible without causing further delay. Long delay in concluding the disciplinary proceedings will cause prejudice to the Government Servants more specially in the cases where disciplinary proceedings were initiated on the eve of retirement. The right of terminal and pensionary benefits are also affected in view of pendency of the disciplinary proceedings. Accordingly this court is of the view that disciplinary proceedings once initiated by disciplinary authority shall be completed as early as possible and within a reasonable period. In view of this factor, the respondents are directed to conclude the enquiry in all respects and pass final orders in the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order.

5. The writ petitioner is directed to co-operate for the enquiry proceedings in all respects and if any non co-operation is found, the same may be recorded in the enquiry proceeding itself.

6. Accordingly the writ petition stands disposed of. Consequently, connected miscellaneous are closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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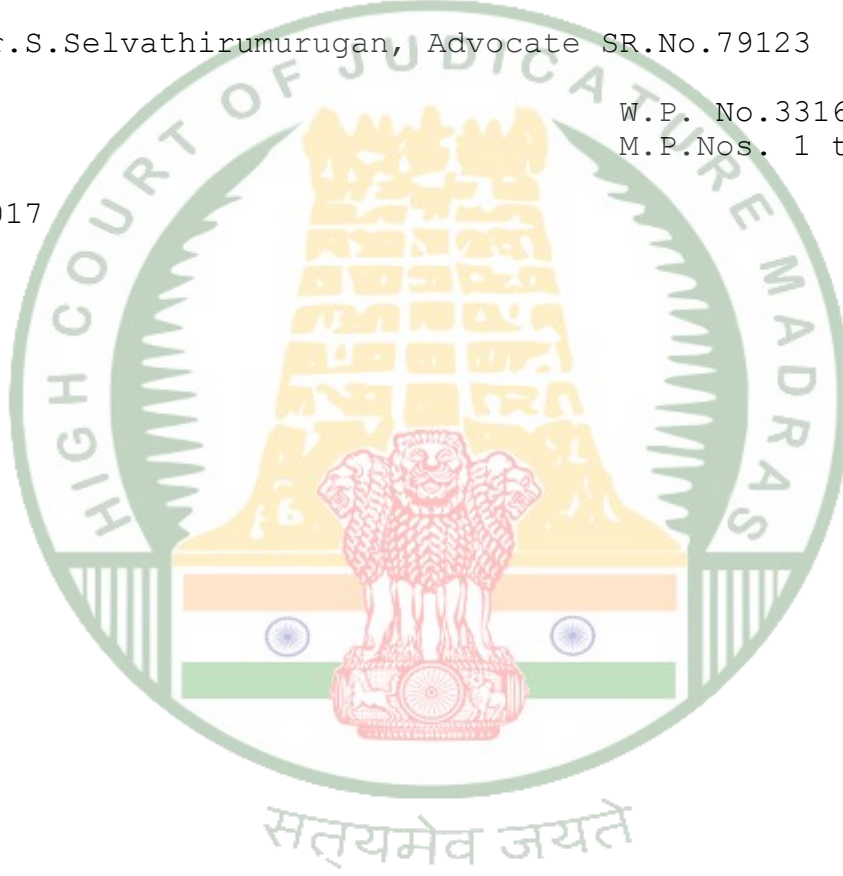
To

1. The Secretary to the Government,
The State of Tamil Nadu,
Health & Family Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director of Public Health & Preventive Medicine,
Teynampet,
Chennai-600 006.

+1cc to Mr.S.Selvathirumurugan, Advocate SR.No.79123

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SSI (CO)
sm:4.12.2017



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