

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2017

CORAM

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

W.P. No.25960 of 2013

and

M.P.Nos.1 and 2 of 2013

S.Murugesan

..Petitioner

Vs

1.The Executive Officer,
Arulmigu Subramaniasamy Temple,
Sivanmalai,
Kangeyam Taluk,
Tirupur District.

2.The Joint Commissioner,
H.R. & C.E. Department,
Dr. Balasundaram Road,
Coimbatore.

.. Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorari, to call for the records of the 1st respondent relating to the suspension order dated 16.11.2009 and quash the same.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.M.Maharaja
Special Government Pleader
(H.R. & C.E)

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O R D E R

The relief sought for in this Writ Petition is to call for the records in pursuant to the suspension order passed by the first respondent in proceedings dated 16.11.2009.

2. The learned counsel appearing for the writ petitioner made a submission that the petitioner was employed as Ticket Clerk in Arulmigu Subramaniasamy Temple, Sivamalai in Kangeyam Taluk at Tirupur District. The petitioner was appointed in the

Temple on 07.04.1994 and joined duty. However, on account of certain allegations, the writ petitioner was placed under suspension by proceeding dated 16.11.2009.

3.The learned counsel for the petitioner states that the disciplinary action was initiated long back and till today, the same has not been concluded and no final orders are passed in the disciplinary proceedings. There is an enormous delay in concluding the Disciplinary proceedings by the competent authority. Thus, the order of suspension is to be revoked.

4.The learned Special Government Pleader (H.R. & C.E.) appearing on behalf of the respondents states that during the pendency of the writ petition, the enquiry proceedings were concluded and the authorities have to pass final orders and due to the pendency of the writ petition, they have not passed any final orders.

5.This Court is of the opinion that mere pendency of the writ petition in respect of the order of suspension, the authorities need not wait for passing the final orders in the disciplinary proceedings. There, is no interim order of stay in respect of concluding the disciplinary proceedings and in this regard, the reason stated by the learned Special Government Pleader is not convincing.

6.This Court is of the firm view that once disciplinary proceedings are initiated against a public servant, the competent authorities are bound to complete the same and pass final orders within a reasonable period of time. Long delay in passing the final orders in the disciplinary proceedings will certainly cause prejudice to the employees and he will be deprived of his other service benefits including promotion, revision of pay etc., Thus, while initiating disciplinary proceedings, the authorities should be cautious and they must see to it that the proceedings are concluded in all respects within a reasonable period of time. This being the view of the Court, the action of the respondents in this case in delaying the matter has to be certainly deprecated.

7.However, the learned Special Government Pleader informed this Court that already, the enquiry proceedings were completed and the authorities have to pass final orders in the disciplinary proceedings. In this view of the matter, no further adjudication on merits is required in this writ petition. The respondents are directed to conclude the enquiry in all respects and pass final orders within a period of three weeks from the date of receipt of a copy of this order. The writ petitioner should also co- operate for completion of the disciplinary proceedings in all respects.

8. Accordingly, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

stm
To

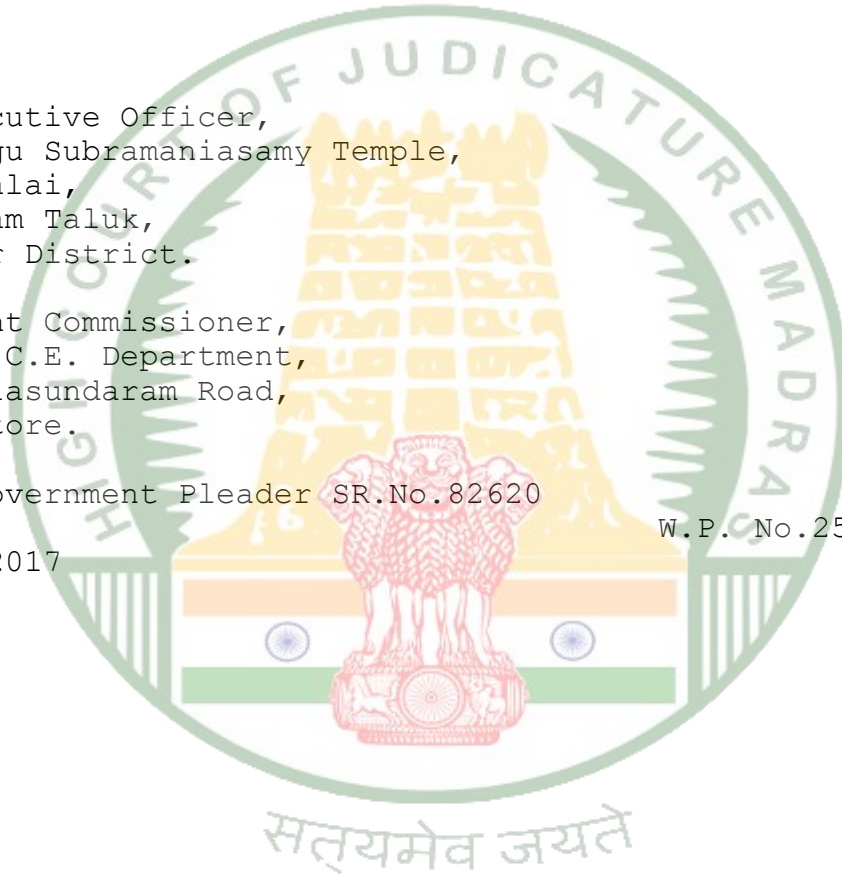
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+1cc to Government Pleader SR.No.82620

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sm:11.12.2017



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