

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.44536 of 2016

P.Abaranji

... Petitioner

Vs

The Joint Director of Medical Services
Krishnagiri.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent herein to pass final orders within a fixed time limit as deemed fit by this Court in the disciplinary proceedings initiated against the petitioner in Memo No.Na.Ka.No.3551/Ni.1/12 dated 29.01.2013 of the respondent.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondent.

2. The petitioner while working as a driver in the services of the office of the Joint Director of Medical Services, Krishnagiri - the respondent herein, was placed under suspension vide order dated 25.08.2012 on the ground that the vehicle driven by him was involved in an accident on 13.07.2012 at 2.00 p.m. and a case has also been registered in Cr.No.172/2012 for the alleged commission of the offences u/s.279, 339, 338 and 304[Part A] IPC and that the enquiry in the disciplinary proceedings in respect of the accident is also pending. Subsequently, the order of suspension was revoked on 03.11.2012 and thereafter, the disciplinary proceedings were initiated vide proceedings of the respondent dated 29.08.2013 under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules. The petitioner has also submitted his written statement of defence, denying the allegations. The petitioner would further aver that the criminal case, after investigation, has culminated into a

charge sheet which was taken on file in CC.No.5/2013 by the Court of the Judicial Magistrate, Pochampalli, and after full-fledged trial, the was acquitted and no further appeal has been preferred by the State and therefore, it has become final. The petitioner was permitted to retire from service on 31.07.2014 without prejudice to the disciplinary proceedings as contemplated under Rule 9 of the Tamil Nadu Pension Rules. The grievance now expressed by the petitioner is that despite the fact that the disciplinary proceedings as well as the criminal prosecution are based upon the same set of charges and that the criminal case having ended in acquittal and though he was permitted to retire from service without prejudice to the disciplinary proceedings, the same has not been completed so far and therefore, the petitioner is deprived of the pensionary and other benefits. In this regard, the petitioner has also submitted a representation dated 01.10.2016 to the respondent and despite receipt and acknowledgment of the same, he is yet to be favoured with any kind of response and hence, he came forward to file the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representation dated 01.10.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

The Joint Director of Medical Services
Krishnagiri.

+1cc to Mr.R.Thamaraiselvan, Advocate, S.R.No.376

+1cc to the Government Pleader, S.R.No.768

W.P.No.44536 of 2016

RJ (CO)

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