



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.425 of 2017 &
C.M.P.(MD).No.3953 of 2017

1. The Chairman,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai, 600 032.

2. The Member Secretary,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032.

... Appellants/Respondents

Vs.

Kumaravel

... Respondent/ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order dated 26.08.2016 in W.P.(MD).No.15979 of 2016.

Prayer in WP(MD). 15979/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to complete the enquiry and pass final orders in the charge memo dated 05.11.2012 within the stipulated period which this Honble Court may deem fit and proper in the circumstances of the case.

For Appellants	: Mr.B.Pugalendhi Additional Advocate General assisted by Mr.M.K.Subramanian
For Respondent	: Mr.G.Marimuthu

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.B.Pugalendhi, learned Additional Advocate General,
<https://hcservices.courts.gov.in/hcservices/>
for Mr.M.K.Subramanian, learned standing counsel for the Tamil Nadu
Pollution Control Board and Mr.G.Marimuthu, learned counsel for



the respondent/caveator.

2. The appeal by the Tamil Nadu Pollution Control Board is against the order, dated 26.08.2016 in W.P.(MD).No.15979 of 2016. The said writ petition was filed by the respondent herein to complete the enquiry and pass final orders in furtherance to the charge memo, dated 05.11.2012. The learned single Judge after taking into consideration that the disciplinary proceedings proceeded further has not been concluded, directed the same to be concluded within a specified time period. The appellants are before this Court challenging the said order.

3. Probably the appellants were of the view that on account of pendency of the criminal proceedings in S.C.No.1 of 2012 against the respondent on the file of the learned Chief Judicial Magistrate, Tirunelveli, registered under the provisions of Prevention of Corruption Act, 1988, the appellants have not finalise the disciplinary proceedings.

4. Admittedly, both criminal proceedings and disciplinary proceedings are separate proceedings and one need not await for the orders in the other proceedings. In other words, it is stated that it is only being two parallel lines. Admittedly, in the instant case, the appellants have initiated disciplinary proceedings against the respondent. Therefore, the same should be taken to the logical end and final order has to be passed irrespective of the finding that may be rendered by the criminal Court.

5. Therefore, we find there is no error in the direction issued by the Writ Court. Accordingly, with the above observations, the writ appeal stands dismissed. The learned Additional Advocate General requested further time to conclude the disciplinary proceedings. The Writ Court in the impugned order directed the matter to be concluded within a period of three months from the date of receipt of a copy of the order in the writ petition. The time of three months shall operate from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



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+ 1 CC TO Mr.G.MARIMUTHU, ADVOCATE IN SR No. 53685

JIKR

TE/MR : 02/05/2017 : 3P/4C

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