



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.10638 of 2017

and

W.M.P.(MD)No.8116 of 2017

D.Suresh kumar,
Assistant Executive Engineer (Municipal),
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

..Petitioner

Vs.

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai.

2.The Commissioner of Municipal Administration,
O/o. Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.

3.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass final orders on the disciplinary proceedings initiated against the petitioner vide charge memo issued by the 2nd respondent in Roc.No.37746/2007/OP3-2 dated 28.01.2008 in light of the proceedings of the 2nd respondent in Na.Ka.NO.37746/2006/D2 dated 0702.2017 within the time that may be stipulated by this Court.

For Petitioner

: Mr.M.Mahaboob Athiff
for M/s. Ajmal Associates

For R1 & R2

: Mr.C.Selvaraj
Special Government Pleader

For R3

: Mr.P.Aathimoola Pandian
Standing Counsel for TNSTC

O R D E R

WEB COPY This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to pass final orders on the disciplinary proceedings initiated against the petitioner vide charge memo issued by the second respondent dated 28.01.2008, within the time that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first and second respondent and the learned standing counsel appearing for third respondent.

3. The case of the petitioner is that the charge memo, dated 28.01.2008, came to be issued by the second respondent against the petitioner, alleging that the petitioner had occasioned the loss of Rs.40,27,125/- to the Government in the supply of drinking water to Tsunami affected areas.

4. It is not in dispute that pursuant to his explanation to the charge memo, an enquiry was conducted and the report was submitted on 31.07.2014. It is also admitted that the petitioner was exonerated from all the charges by the enquiry officer. The second respondent has forwarded a report of Enquiry Officer to the first respondent to pass final orders on the disciplinary proceedings initiated by the first respondent against the petitioner.

5. In such circumstances, the limited scope of the prayer, is to direct the first respondent to pass final orders on the disciplinary proceedings initiated against the petitioner by the charge memo, dated 28.01.2008.

6. Considering the facts narrated above, this Court is of the view that the proceedings against the petitioner has been dragged to this length and a direction to the first respondent will be in the interest of justice.

7. The first respondent is directed to pass final orders in the disciplinary proceedings initiated against the petitioner vide charge memo, dated 28.01.2008, after considering the enquiry report, dated 31.07.2014 and recommendations of the second respondent, dated 07.02.2017, within a period of four weeks from the date of receipt of a copy of this order.



8. With the above said direction this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai.

2.The Commissioner of Municipal Administration,
O/o. Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.

3.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.59856

+One cc to The Special Government Pleader, SR.No.60198

MRN/TA

RL/6C/3P/KP/SAR1/21/6/2017

ORDER MADE IN
W.P.(MD).Nos.10638 of 2017 and
W.M.P.(MD)No.8116 of 2017
12.06.2017