



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17378 of 2016

A.Rajanayagam

... Petitioner

-vs-

The Joint Director,
(Vocational Education),
School Education Department,
College Road, Chennai-6.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records in pursuant to the impugned charge memo issued by the respondent vide his Proceedings in Na.Ka.No.2642/V1/E3/2013 dated 10.01.2014 and quash the same as the same is not completed within the time frame stipulated by this Honble Court in W.P.(MD) No.10871 of 2015 dated 01.07.2015.

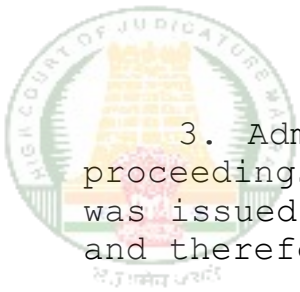
For Petitioner	: Mr.G.Thalaimutharasu
For Respondent	: Mr.K.P.Krishna Doss Govt. Advocate

O R D E R

This petition has been filed, seeking to quash the 17(b) charge memo dated 10.01.2014 passed by the respondent in Na.Ka.No.2642/V1/E3/2013, issued against the petitioner.

2. It is seen that on earlier occasion, this Court, vide order dated 01.07.2015, directed the respondent to complete the enquiry within 13 weeks , operative portion of which reads as follows:

"6. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the respondent is directed to furnish the copy of those documents within a period of three weeks from the date of receipt of a copy of this order. On receipt of those documents, the petitioner shall file necessary objection within two weeks, thereafter. Upon filing of the objection, the said proceedings shall be completed within eight weeks."



3. Admittedly, in spite of the above direction, disciplinary proceedings have not been completed, even though the charge memo was issued as early as on 10.01.2014, i.e., almost three years old and therefore, the act of the respondent is highly deprecated.

4. In view of the above, this Court is constrained to pass the following order:

i) The respondent is directed to conduct the disciplinary proceedings on day to-day basis without adjourning the matter beyond five working days at any point of time and conclude the same at the earliest. The petitioner shall co-operate in the enquiry;

ii) In the event of any loss caused to the Government on account of non commencement / completion of proceedings in time, the concerned Officer should be identified and the loss shall be recovered from him/her by applying the principles laid down in the case of **Central Co-operative Consumers' Store Ltd. vs. Labour Court, H.P. at Shimla and another**, reported in **AIR 1994 SC 23**, and his/her properties can also be attached in terms of the judgment of the Hon'ble Division Bench of this Court in the case of **A.Sachidanandam, Macneil and Magor Kilburn Group Companies Employees' Union, Chennai vs. S.Srinivasan and others**, reported in **2011 (5) LLN 696 (DB) (Mad.)**.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Joint Director,
(Vocational Education),
School Education Department,
College Road, Chennai-6.

+1 cc to MR.G.THALAIMUTHURASU, Advocate SR.No.7111

+1 cc to Special Government Pleader Sr.No.6908

W.P.(MD) No.17378 of 2016

2/2

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