

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-02-2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3047 of 2018

J.Fernandez

..Petitioner

-VS-

1. The Secretary to Government,  
Higher Education Department,  
Secretariat,  
Chennai-600 009.
  2. The Commissioner of Technical Education,  
Guindy,  
Chennai-600 25.
- ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to pass appropriate orders on the report of the Enquiry Officer submitted in 2010 itself and copy not served to the petitioner.

For Petitioner - Mr.T.Ranganathan  
For Respondents - Mr.P.Raja,  
Government Advocate.

ORDER

The petitioner, who was serving as a Head of the Department and Principal (Incharge) in the Government Polytechnic College for Women at Ettayapuram, Tuticorin District, was issued with a charge memo dated 10.3.2010 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, in Memo No.50144/B1/2009-1 by the Commissioner of Technical Education, Guindy, Chennai-600 025/second respondent herein, calling upon him to submit his detailed explanations. Accordingly, the petitioner has submitted his detailed representation on 23.3.2010. Since he has reached his superannuation on 31.3.2010, the first respondent considering the merits, permitted the petitioner to retire from service on attaining the age of his superannuation as per G.O.(1D) No.73, Higher Education (L2) Department, dated 31.3.2010, without prejudice to the

disciplinary action pending against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

2. Now the grievance of the petitioner is that an Enquiry Officer, on completion of the enquiry, the enquiry report was also forwarded to the Government, who is the competent authority and during the further course of action, a direction was issued to the first respondent to pass final order, by furnishing the copy of the final order to the petitioner, if it is necessary. The reason is if the enquiry report is in favour of the petitioner, the Government/Competent Authority can drop the proceedings or if the enquiry report is against the petitioner, copy thereto may be furnished along with a show cause notice, calling for his further representation and thereafter, they can pass final order.

3. Mr.P.Raja, learned Government Advocate, appearing on behalf of the respondents, after taking instructions, sought for three months time to pass final order. Recording the said submission of the learned Government Advocate, appearing on behalf of the respondents, this Court granted three months time to the first respondent to pass final orders from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

Svn

To

1. The Secretary to Government,  
Higher Education Department,  
Secretariat,  
Chennai-600 009.
2. The Commissioner of Technical Education,  
Guindy,  
Chennai-600 25.

+1 CC to Mr.T. Ranganathan, Advocate sr 10911.  
+1 Cc to The Govt. Pleader sr 11161

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SP(07/03/2018)



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