

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.504 of 2018

G.Sekaran

.. Petitioner

-vs-

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-35.

2. The Executive Engineer and
Administrative Officer,
Vellore Housing Unit,
Tamil Nadu Housing Board,
Vellore-632 009.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representations of the petitioner dated 15.05.2017 and 13.09.2017 seeking to complete the disciplinary Proceedings initiated against the petitioner by the respondents in the light of the fact that petitioner being reached the position of superannuation on 30.09.2017 A.N. within the time frame that may be fixed by this Court.

For Petitioner :: Mr.A.Ramalingam

For Respondents :: Mr.V.Anandhamurthy,
Standing Counsel

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representations of the petitioner dated 15.05.2017 and 13.09.2017 seeking to complete the disciplinary Proceedings initiated against him by the respondents within a stipulated period fixed by this Court.

2. Learned Counsel for the petitioner submitted that while the petitioner was working as Superintendent in the Respondent Board, he was issued with a Charge Memo dated 01.07.2016 levelling five charges against him by the 1st respondent and on receipt of the same, the petitioner has submitted his explanation on 15.05.2017 denying all the charges. Thereafter, the respondents have not appointed any Enquiry Officer. In the meanwhile, the petitioner was placed under suspension from service on 09.01.2017 and he reached the age of superannuation on 30.09.2017 A.N. But, due to the pendency of the Disciplinary Proceedings, he was not permitted to retire. Therefore, he is not able to get his pensionary benefits. In this regard, the petitioner has given representations to the 1st respondent on 15.5.2017 and 13.9.2017 seeking to complete the Disciplinary Proceedings pending against him. But there is no response for the said representations. Hence, the petitioner has

come forward with the present Writ Petition.

3. Mr.V.Anandhamurthy, learned Standing Counsel, who takes notice on behalf of the respondents 1 and 2, sought for sufficient time to complete the Disciplinary Proceedings and to pass appropriate orders.

4. Considering the facts that though the petitioner has already reached the age of superannuation, due to the pendency of the Disciplinary Proceedings, he was not permitted to retire and he has also submitted his explanation for the charge memo dated 01.07.2016, the 1st respondent is hereby directed to appoint an Enquiry Officer, if not done earlier and complete the enquiry proceedings pending against the petitioner within a period of 3 months from the date of receipt of a copy of this Order by passing final orders.

5. The Writ Petition is disposed of accordingly. No costs.

10.01.2018

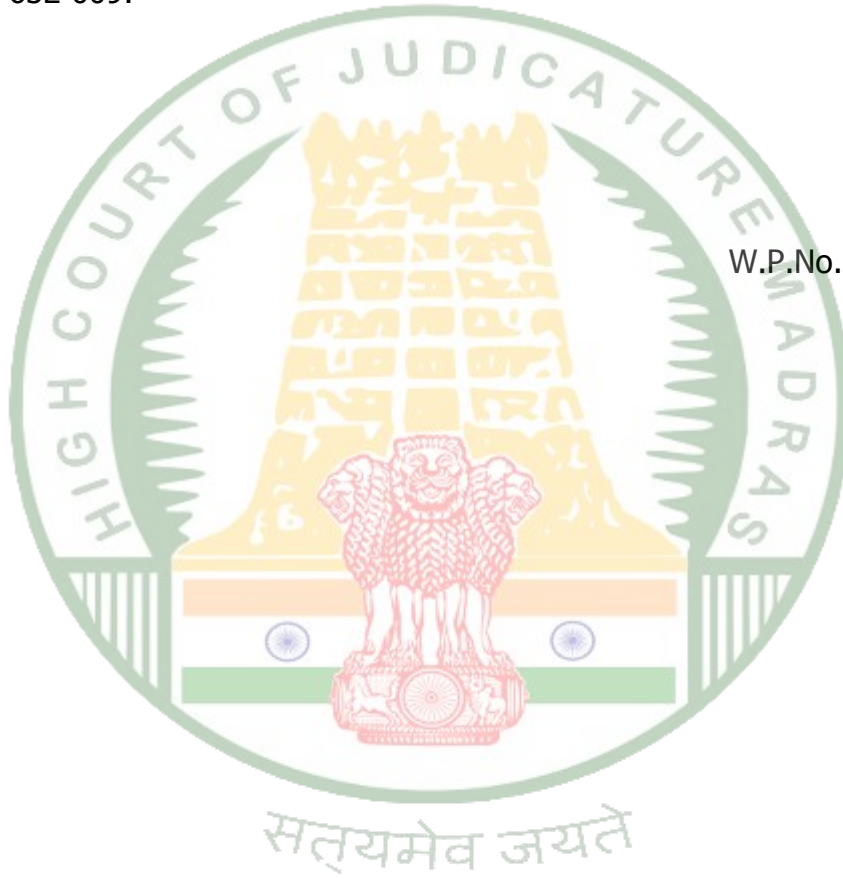
Speaking/Non speaking order
Index : yes/no

To

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T.RAJA, J.
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