

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8100 of 2018

S.Rajagopal

...Petitioner

Vs

1.The Joint Registrar of Co-operative Societies
Nagapattinam Region
Nagapattinam.

2.The Registrar of Co-operative Societies
170, Periyar EVR Salai
Kilpauk, Chennai - 600 010.

3.The Deputy Registrar of Co-operative
Societies, Nagapattinam.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the first respondent to pass final orders on the completed disciplinary proceedings within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader [Co-op]

ORDER

The relief sought for in this writ petition is to direct the first respondent to pass final orders on the disciplinary proceedings initiated against the writ petitioner.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as Junior Inspector of Co-operative Societies and thereafter, promoted to the post of Senior Inspector of Co-operative Societies. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner and the learned counsel for the petitioner states that, the enquiry proceedings were concluded in all respects and the writ

petitioner has submitted his further explanations on the findings of the enquiry report. Therefore, the disciplinary authority has to pass final orders by considering all the materials available on record and the further explanation submitted by the writ petitioner on the enquiry report.

3. In respect of the first set of charge memo dated 29.07.2010, the enquiry was completed on 18.03.2011 and the writ petitioner had submitted his further explanation on 30.07.2011. In respect of the second set of charge memo dated 31.08.2010, the enquiry report was submitted on 14.06.2012 and the same was communicated to the writ petitioner on 29.08.2012 and the writ petitioner had submitted his further explanation on 11.02.2013. In respect of the third set of charge memo dated 20.05.2015, the enquiry was completed and enquiry report was submitted by the enquiry officer on 21.04.2016 and the same was communicated to the writ petitioner on 02.05.2016 and the writ petitioner submitted his further explanation on 13.04.2017.

4. Thus, the three sets charges are pending against the writ petitioner. Against all the three sets of charge memo, further explanations were submitted by the writ petitioner and the disciplinary proceedings are pending for the purpose of passing of final orders by the disciplinary authorities. Thus, this writ petition is filed for a direction to the first respondent to pass final orders on the completed disciplinary proceedings within a reasonable period.

5. Under these circumstances, it is suffice, if a direction is issued to conclude the disciplinary proceedings in all respects. This court is of an opinion that the disciplinary proceedings initiated against the Government employee must be completed within a reasonable period of time. Long pendency of disciplinary proceedings will cause great prejudice to the employees also. During the pendency of disciplinary proceedings the employees are deprived of their right for promotion and also the retiral benefits.

6. Under these circumstances, the authorities competent at the time of initiation of disciplinary proceedings shall ensure that such proceedings are concluded without causing any delay.

7. This being the principles to be followed, this court is of an opinion that the case on hand deserves consideration. Accordingly, the first respondent is directed to pass final orders in the disciplinary proceedings initiated against the writ petitioner in all respects and pass final orders on merits and in accordance with law and based on the records available within a period of twelve(12) weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

maya

To

1.The Joint Registrar of Co-operative Societies
Nagapattinam Region
Nagapattinam.

2.The Registrar of Co-operative Societies
170, Periyar EVR Salai
Kilpauk, Chennai - 600 010.

3.The Deputy Registrar of Co-operative
Societies, Nagapattinam.

+1cc to Mr.T.Ranganathan, Advocate sr.no.25471

W.P.No.8100 of 2018

nr 25/04/2018

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