

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7179 of 2018

K.Babu .. Petitioner

-vs-

1. Director of Sericulture
Salem 636 007
2. Assistant Director of Sericulture
Hosur 638 109
3. Assistant Director
Department of Sericulture
Pennagaram 636 813 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders on the disciplinary proceedings initiated on the petitioner on the basis of the proceedings bearing Na.Ka.No.862/A/13 dated 11.06.2013 within a time limit to be fixed by this Hon'ble Court.

For Petitioner ::Mrs.Rita Chandrasekaran
for M/s Aiyar & Dolia

For Respondents ::Mr.V.Kadhirvelu
Special Government Pleader

सत्यमेव जयते
ORDER

Mr.K.Babu, who retired from the post of Special Officer/Assistant Inspector of Sericulture with effect from 31.12.2017 subject to the outcome of the departmental proceeding initiated against him by the charge memo dated 11.6.2013, has come to this Court seeking a mandamus directing the respondents to pass final orders on the pending disciplinary proceedings.

2. Learned counsel for the petitioner submitted that after the charge memo was issued on 11.6.2013, the petitioner gave his explanation and thereafter the enquiry officer, having gone through the charges, the explanation and also the evidence produced before him by both parties, gave his report on 8.12.2016 and a copy thereof was also furnished to the petitioner along with the second show cause notice. On receipt

of the same, the petitioner also submitted his further representation on 12.1.2017. But till date, the respondents have not passed final orders on the pending departmental proceedings. In the meanwhile, the petitioner also reached the age of superannuation with effect from 31.12.2017. Therefore the petitioner, who is facing departmental proceeding, is unable to receive the pension. It is also stated that the respondents have not come forward to pay the subsistence allowance. Hence, an imminent direction is required to be issued to the respondents to pass final orders.

3. The learned Special Government Pleader for the respondents sought sufficient time to pass final orders.

4. I also find that the enquiry officer appears to have submitted his report on 8.12.2016. Thereafter, the petitioner on receipt of the copy thereof has submitted his written representation on 12.1.2017. Secondly, the petitioner also reached the age of superannuation on 31.12.2017, subject to the outcome of the departmental proceeding. Thirdly, it is the contention of the petitioner that he was not paid with the subsistence allowance. Hence, this Court directs the first respondent/disciplinary authority to pass final orders on the pending departmental proceedings initiated against the petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.Nos.8907 & 8908 of 2018 are closed. No costs.

SD

ASSISTANT REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR

To

1. The Director of Sericulture
Salem 636 007

2. The Assistant Director of Sericulture
Hosur 638 109

3. The Assistant Director
Department of Sericulture Pennagaram 636 813

1CC TO M/S.AIYAR AND DOLIA, ADVOCATE SR.NO. 24043

1CC TO THE GOVERNMENT PLEADER SR.NO. 24634

W.P.No.7179 of 2018

DM

12 APRIL 18