

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.04.2018

CORAM

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

W.P.No.8165 of 2018

P.Elangovan

..Petitioner

.Vs.

1.State of Tamil Nadu,
Represented by its
Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.

2.Director,
Public Health and Preventive Medicine,
College Road,
Chennai-600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Memo R.No.044184/DA/10/SI(12) dated 27.05.2011 and quash the charge memo therein and direct the 1st respondent to pass final orders on the disciplinary proceedings initiated against the petitioner pursuant to the charge memo dated 27.05.2011 within a stipulated time.

For Petitioner : Mr.A.Muthu Kumar

For Respondents : Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to call for the records in relation to impuged charge memo dated 27.05.2011 quash the same and direct the 1st respondent to pass final orders on the disciplinary proceedings.

2.The learned counsel appearing on behalf of the writ petitioner reflects the relief sought for by stating that it is suffice if the direction is issued to quash the disciplinary proceedings and pass final orders. In view of the submissions

made by the learned counsel for the petitioner, this Court is inclined to consider the present writ petition.

3.The writ petitioner was holding the post of Superintendent in the Office of the Deputy Director of Health Services, Sankarankoil, and attained the age of superannuation on 31.05.2011. The petitioner was allowed to retire from service without prejudice to the disciplinary proceedings initiated against him in charge memo dated 27.05.2011. The grievance of the petitioner is that though the charge memo was initiated on the eve of his retirement, still the same is pending and not yet concluded. The learned counsel for the writ petitioner states that pursuant to the issuance of the charge memo dated 27.05.2011, the petitioner submitted his explanation denying the charges on 12.07.2011. The domestic enquiry was conducted on 14.05.2014 and the enquiry officer submitted his final report on 31.05.2016. In spite of the submission of the enquiry report by the enquiry officer, the disciplinary authority has not taken any action to pass final orders in the disciplinary proceedings. At the outset, the disciplinary authority has issued second Show Cause notice and on receipt of explanations/objections on the enquiry report, take a decision and pass final orders in the disciplinary proceedings. In these circumstances, this Court is of the opinion that the disciplinary proceedings initiated against the writ petitioner ought to have been concluded in all respects within a stipulated period of time. In present case on hand, the enquiry report was submitted during the year 2016, and the matter is kept pending for the past about two years without any valid reasons. This apart considering the factum of the case, the respondents are directed to conclude the disciplinary proceedings initiated against the petitioner in all respects and pass final orders on merits in accordance with law by providing the reasonable opportunities to the writ petitioner within a period of twelve weeks 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.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kp

To

1.The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.

2.The Director,
Public Health and Preventive Medicine,
College Road,
Chennai-600 006.

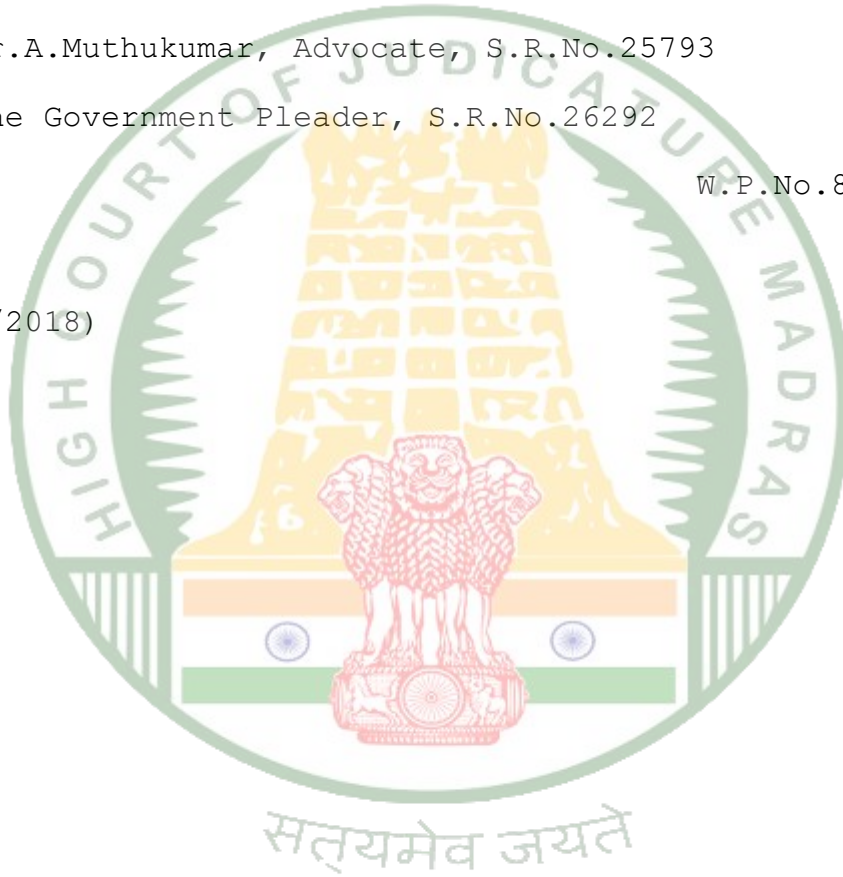
+1cc to Mr.A.Muthukumar, Advocate, S.R.No.25793

+1cc to the Government Pleader, S.R.No.26292

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MP (CO)

RRK (02/05/2018)



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