

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.162 of 2015

S.Nataraja Perumal

... appellant

versus

1. The Director of School Education,
Chennai 6.

2.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 9

... Respondents

Appeal filed against the order passed by this Court dated 18.4.2012 passed in W.P.No.25441 of 2005. This petition came to be numbered by transfer of O.A.NO.7678 of 2001 from of the Tamil Nadu Administrative tribunal, for issuance of a writ in the nature of certiorari, to to call for the records of the respondents in connection with the impugned order passed by the 2nd respondent in G.O.Ms.No.163, dated 1407.2005 confirming the order of the 1st respondent in Na.Ka. No.14758/C5/C2/97 dt. 27.9.2000 and quash the same and direct the respondent No.1 to superannuate the petitioner on the normal date of superannuation service and monetary benefits and quash him such other/further relief as this Honourable Court may deem fit.(prayer amended as per order of this court, dated 23.2.2006 and made in W.P.M.P.NO.5455/2006 in W.P.NO.25441/2005)

For appellant : Mr.S.Haja Mohieen Gisthi

For Respondents : Mr.K.Karthikeyan, Government Advocate

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The appellant was involved in a misconduct relating to acceptance of bribe. The Disciplinary Authority initiated disciplinary proceedings and finally imposed the punishment of removal from service. The said order was challenged before the writ court only on the ground that the proceedings took considerable period and as such, the order should be quashed. The learned Single Judge dismissed the Writ Petition. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. We have heard the learned counsel for the appellant. We have also heard the learned Government Advocate on behalf of the respondents.

3. While the appellant was functioning as Assistant Educational Officer at Kinathukadavu, the Inspector of Police, Vigilance and Anti Corruption Unit arrested him on allegation of accepting bribe. It was a trap case. The incident was on 1 October 1991. The Government directed the Commissioner for Disciplinary Proceedings, Coimbatore to conduct enquiry. The order was passed on 2 July 1992. The proceedings were later transferred to another authority on 3 August 1995. In the meantime, the appellant was placed under suspension by order dated 27 June 1997. The Disciplinary Authority completed the enquiry on 8 May 1992. The Disciplinary Authority issued second show cause notice to the appellant on 14 October 1999 and after receiving explanation on 3 February 2000, final order was passed on 27 September 2000, removing the appellant from service.

4. The order was challenged before the writ court only on the ground of delay. There is absolutely no merit in the said contention for the simple reason that the delay was on account of various reasons, including the transfer of enquiry proceedings. There was absolutely no violation of any of the procedure in the conduct of enquiry. Merely because the enquiry took about ten years for completion, it cannot be said that it is vitiated.

5. The learned counsel for the appellant canvassed his arguments only on the question of delay. No other points were raised before us. We have found from the dates and events that enquiry was conducted giving reasonable opportunity to the appellant to submit his response. The appellant also contributed for the delay in completion of enquiry as he was also taking time for filing his response and for examination of witnesses. We are therefore of the view that the learned Single Judge was justified in dismissing the Writ Petition.

6. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected M.P.s, are closed.

Sd/-

Assistant Registrar(CS-VIII)

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Sub Assistant Registrar

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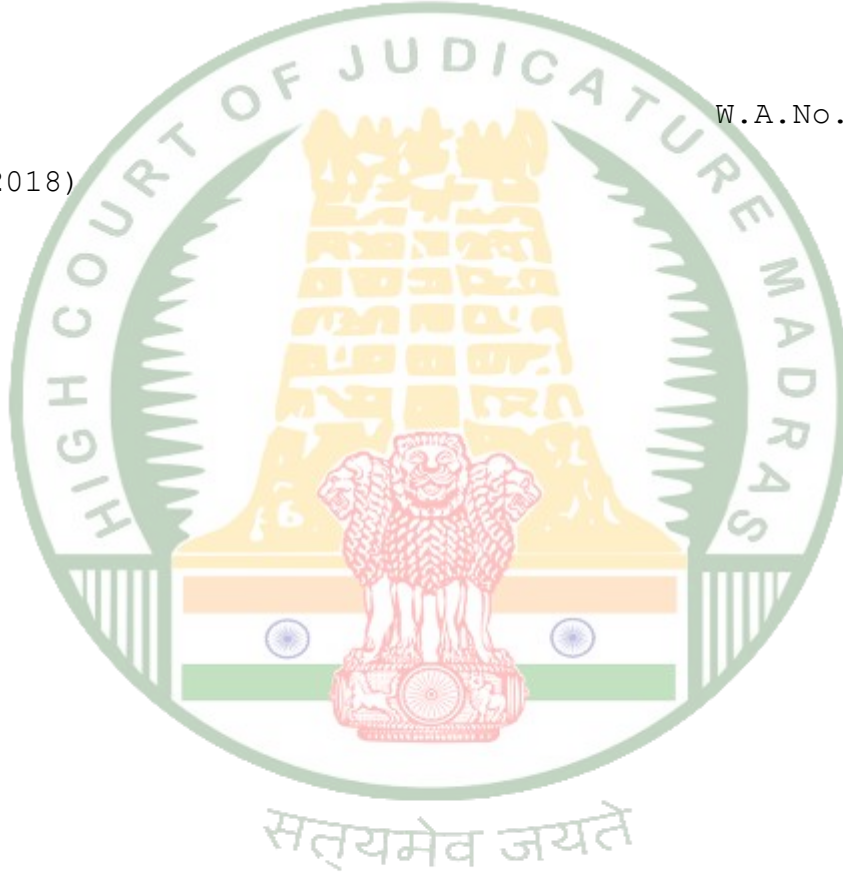
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Chennai 6.

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+ 1 cc to Mr. Special Government Pleader Sr.46190

SVN(CO)
EU(06/08/2018)

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