

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :20.08.2018

Coram
The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.21230 of 2018
and
W.M.P.No.24902 of 2018

P. V. Ravichandran

...Petitioner

Vs.

The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records of the respondent in ROC No.9785/2008/V2-1, dated 04.07.2018 and to quash the same.

For Petitioner : Mr.K.Raja for M/s.N.Kolandaivelu
For Respondent : Mr.S.Suresh Kumar
Government Advocate

O R D E R

Heard, Mr.K.Raja, the learned counsel appearing for the petitioner and Mr.S.Suresh Kumar, the learned Government Advocate, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, he had challenged the issuance of chargememo in a disciplinary proceedings earlier before this Court in W.P.No.14522 of 2008, which was allowed giving liberty to the respondent to proceed afresh with an observation to conclude the proceeding as expeditiously as possible, preferably, within six months, if initiated. Thereafter, the Disciplinary Authority has not proceed forthwith by initiation of disciplinary proceeding, but after a period of three years proceeded with against the petitioner by issuance of the present chargememo. Hence, he has come to this Court seeking a writ of certiorari to quash the same, as it is contrary to the aforesaid order of this Court.

3. The learned counsel appearing for the petitioner, during the course of hearing, drawn the notice of this Court to a decision of this Court in the case of State of Tamil Nadu rep by its Secretary, Chennai Vs. T.Ranganathan, reported in [(2010)

3 MLJ 625], wherein, the ratio decidendi laid down is as follows:-

" Once a competent Court fixes an outer time limit to complete the enquiry and pass final orders, the parties to the proceedings are bound to strictly adhere to the time granted to comply with the said order. The party to the proceedings can approach the very same Court seeking extension of time stating sufficient reasons and once valid reasons are given, normally, the Court/Tribunal would extend the time depending upon the facts and circumstances of the case "

4. The learned counsel for the petitioner, therefore, submits that since the earlier order of this Court passed in W.P.No.14522 of 2008, dated 26.08.2014, has not been complied with, which has fixed an outer time limit of six months for conclusion of the disciplinary proceedings and no extension was sought for thereafter, initiation of the disciplinary proceedings after the fixed outer limit amounts to overreach the order passed by this Court, and accordingly, notice be issued seeking a reply affidavit and till such time, the impugned order be stayed.

5. After hearing the learned counsel appearing for the parties and going through the materials on record, especially, the fact that this Court in the earlier round of litigation, i.e in W.P.No.14522 of 2008, while quashing the charge memo had not in any manner passed an order restraining the respondents from proceeding against the petitioner, but only given a direction that since the charges being serious in nature, if the Authority decides to proceed with to initiate disciplinary proceedings afresh to complete the same as expeditiously as possible, preferably, within a period of six months and the period of six months has not expired, I am of the view that the petitioner has no case seeking indulgence of this Court, to quash the chargememo on the ground stated. As such, the petitioner having no case, no useful purpose is going to be served by seeking reply affidavit by issuing notice and hence, the Writ Petition is dismissed at the stage of admission. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sd

To

The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

+2cc to Mr.N.Kolandaivelu, Advocate, S.R.No.57427.
+1cc to the Government Pleader, S.R.No.57235.

Writ Petition No.21230 of 2018

KJI (CO)

rrs 26/09/2018.



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