

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.419 of 2018
and
C.M.P.No.3619 of 2018

S.Nageswaran Appellant/Petitioner
Versus

1. The Secretary to Government,
Public Works Department,
Fort St. George, Chennai 600 009.

2. The Engineer in Charge, WRO
and Chief Engineer(General),
Public Works Department,
Chepauk, Chennai 600 005.

Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 6.10.2017 passed in W.P.No.25560 of 2009 on the file of this court.

WP.No.25560/2009:Petition filed under Article 226 of the constitution of India, to issue a writ of certiorarified mandamus, calling for the records of the 2nd respondent in connection with the impugned charge memo in CII (1)/14442/97-4 dt 25.3.1998 and quash the same and direct the respondents to superannuate the petitioner from service and grant him all consequential service and monetary benefits.

For appellant : Mr.K.Venkata Ramani,
Senior Counsel for
Mr.M.Muthappan

For respondents : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.R.Prathapkumar, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge thereby declining to interfere with the charge memo against the appellant herein, however, directing the authorities to pass

final orders in the disciplinary proceedings, within a time frame, by affording an opportunity to the appellant to submit his further explanation/objections/documents on the enquiry report.

3. On the ground of delay in concluding the enquiry, the appellant seeks indulgence of the courts in quashing the charge memo issued against him.

4. What is apparent is that a parallel criminal proceedings was initiated for the misconduct alleged to have been committed by the appellant and now such criminal proceedings is said to be pending. It appears that on the apprehension that the order that may be passed by the disciplinary authority in the departmental enquiry in a stringent way may affect the outcome of the criminal case, the appellant is before this court. Absolutely, we do not find any reason to interfere with the order passed by the learned Single Judge. Even in respect of delay that is shown to have occurred for one or the other reason, it appears that the appellant was waiting even without pressing for early conclusion of the proceedings, may be to gain some time. As such, he cannot attribute the lapses on the part of the Department.

5. In the fact situation, we do not find any reason to interfere with order passed by the learned Single Judge much less the proceedings initiated by the disciplinary authority as we feel that the delay has afforded some time to the delinquent to breathe easy during such period and therefore, the delay occurred cannot be taken as a ground to quash the entire disciplinary proceedings, especially, when it has come to, almost, an end. If at all the appellant has got any grievance/contentions, he is at liberty to submit the same by way of a detailed representation alongwith necessary additional documents, if required, to the disciplinary authority, in which event, it shall be considered by the disciplinary authority in accordance with law.

6. With the above observation, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(co)

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Sub Assistant Registrar

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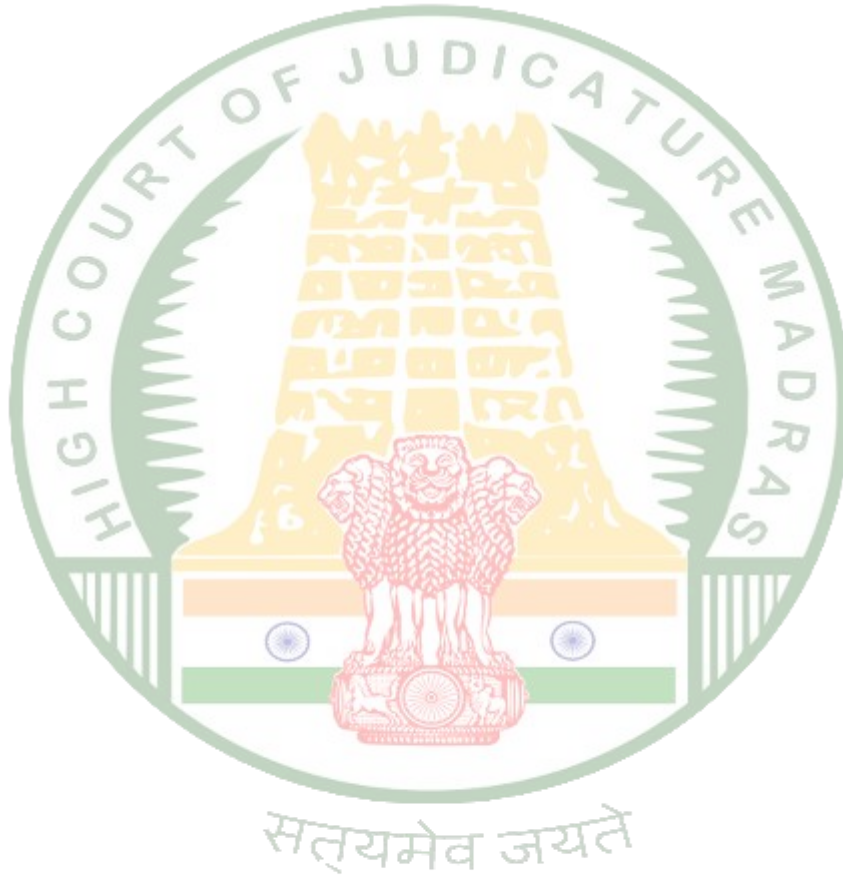
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+1cc to Mr.M.Muthappan, Advocate Sr.No.14705

KK(CO)
sm:19.3.2018

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