

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2018

CORAM

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

W.A.No.608 of 2018
and
C.M.P.No.5896 of 2018

S.Bose

Appellant

Versus

The Assistant Director of Survey,
District Survey Office,
Thiruvarur.

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.1.2018 passed in W.P.No.22865 of 2008 on the file of this court.

W.P.No.22865 of 2008:

Petition praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in ref.NA.KA.A1/3185/02(1) DATED 18.8.2008 and quash the same and consequently direct the respondent herein to consider the promotion of the petitioner as Deputy Inspector of Survey with all monetary and attendant benefits as per with his juniors.

For appellant : Mr.K.Venkataramani, Senior Counsel
for Mr.S.Srinivasan

For respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

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

Heard the learned Senior Counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents.

2. The writ appeal has been filed by the writ petitioner challenging the correctness of the order of dismissal passed by the learned Single Judge.

3. It appears that in connection with an alleged misconduct of demanding bribe, a criminal case was initiated against the appellant and the disciplinary proceedings was initiated, but, however, it appears that he had been acquitted of the charges in the criminal proceedings in the year 2008. The grievance of the appellant is that though the order of acquittal in criminal case was during the year 2008, the learned Single Judge has ordered for continuation of disciplinary proceedings without taking into consideration

4. Having heard the learned counsel appearing for the parties and perused the materials placed before us, we find that the appellant had been acquitted of the criminal charges during the year 2008 itself, however, no progress had taken place in the disciplinary proceedings. We are of the view that time is the essence and important factor in deciding the disciplinary proceedings as otherwise, for no reason or fault on the part of the appellant, it will be a harassment or infliction of punishment pending disposal of the disciplinary proceedings.

5. In the circumstances of the case, we direct the authorities to dispose of the matter within a period of four months from the date of receipt of a copy of this judgment, failing which, the disciplinary proceedings will be deemed to have been concluded. In view of the fact that the appellant is due to retire by the end of April 2018, we direct him to appear before the authority concerned on 2.4.2018, on which date, the authority shall proceed with the enquiry and complete the same on a day to day basis. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssk.

To:

The Assistant Director of Survey,
District Survey Office,
Thiruvarur.

+1 CC to Mr.S. Srinivasan, Advocate sr 23641.

W.A.No.608 of 2018

SP(28/03/2018)