

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23626 of 2018

B. Sekar

...Petitioner

..vs..

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.The Director,
O/o Town and County Planning,
Annasalai, Chennai - 600 002.

3.The Deputy Director,
o/o, Town and County Planning,
Chengalpattu Region,
No.13, Dr. Varadharajan Street,
Vedhachalam Nagar,
Chengalpattu - 1.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to conclude and pass final order based on the enquiry officer's report dated 16.08.2011 within a stipulated period as fixed by this Court.

For Petitioner : Mr.M.RamDass

For Respondents : Mrs.R. Janaki

Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent, this Writ petition is taken up and disposed of at the stage of admission itself.

3. The case of the petitioner is that he was initially appointed as a Surveyor in the third respondent office during the year 1985 and subsequently promoted as Draughtsman Grade-III. Whiles, a disciplinary proceedings has been initiated against him, pursuant to which, an enquiry was also conducted. It is further stated that the enquiry officer had concluded the enquiry and submitted his report dated 16.08.2011, holding that the charges levelled against the petitioner were proved. Thereafter, the second respondent vide proceedings dated 08.09.2011, called for explanation from the petitioner, for which the petitioner also submitted his response on 24.07.2015. But, the disciplinary authority the second respondent has taken no decision on the same. In the meanwhile, the petitioner attained the age of superannuation and permitted to retire from service on 30.04.2017, vide proceedings of the second respondent dated 27.04.2017. The grievance of the petitioner is that till date no order has been passed by the respondents on the enquiry officer's report. Hence, he has come forward with this Writ Petition, seeking for a direction to the respondents to take decision on such enquiry officer's report taking note of explanation of the petitioner, within a stipulated period.

4. The learned counsel for the petitioner submits that since the second respondent is guilty of inaction, a direction as prayed for, be issued to him.

5. The learned counsel appearing for the respondents submits that the respondents have no objection to take a decision on the enquiry officer's report, within a stipulated period.

6. Regard being had to the aforesaid facts and submissions made, especially the nature of relief sought for, this Court disposes of the Writ Petition, without seeking reply affidavit from the respondents, with a direction to the second respondent that if no decision on enquiry officer's report has been taken yet, even after the submission of the explanation of the petitioner, to take an informed and considered decision to the same and intimate the decision taken thereof to the petitioner, within a period of six weeks from the date of receipt of a copy of this order, if there is no legal other legal impediment. No costs.

arr

Sd/-

Assistant Registrar (CS IV)

// True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.The Director,
O/o Town and County Planning,
Annasalai, Chennai - 600 002.

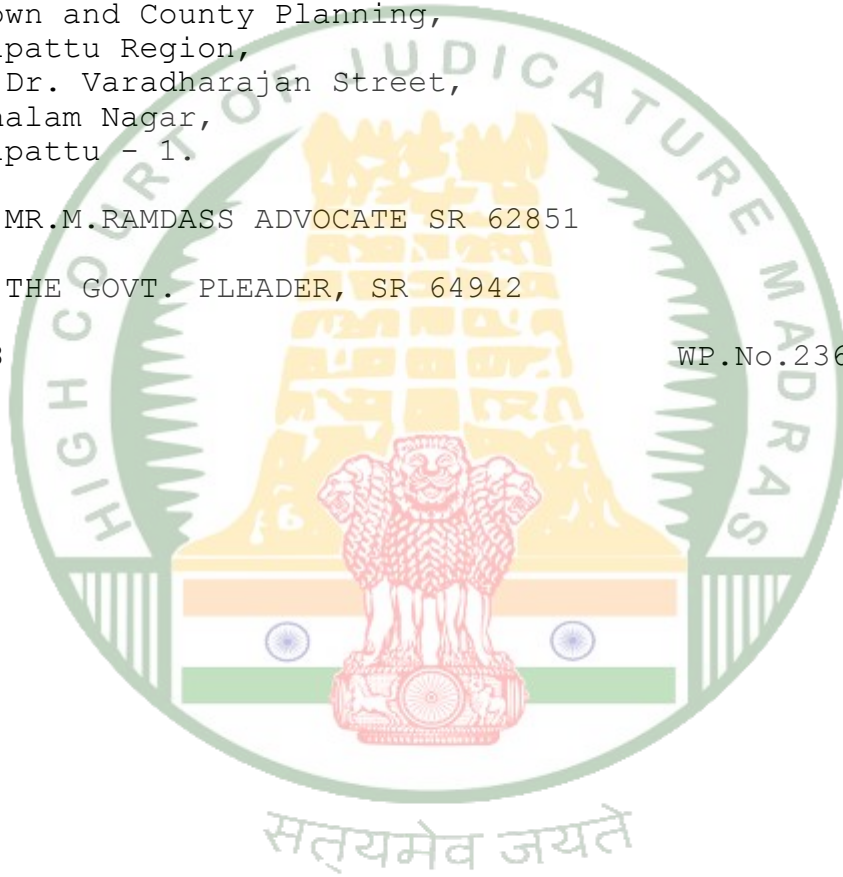
3.The Deputy Director,
o/o, Town and County Planning,
Chengalpattu Region,
No.13, Dr. Varadharajan Street,
Vedhachalam Nagar,
Chengalpattu - 1.

+ 1 CC TO MR.M.RAMDASS ADVOCATE SR 62851

+ 1 CC TO THE GOVT. PLEADER, SR 64942

KR/5/10/18

WP.No.23626 of 2018



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