

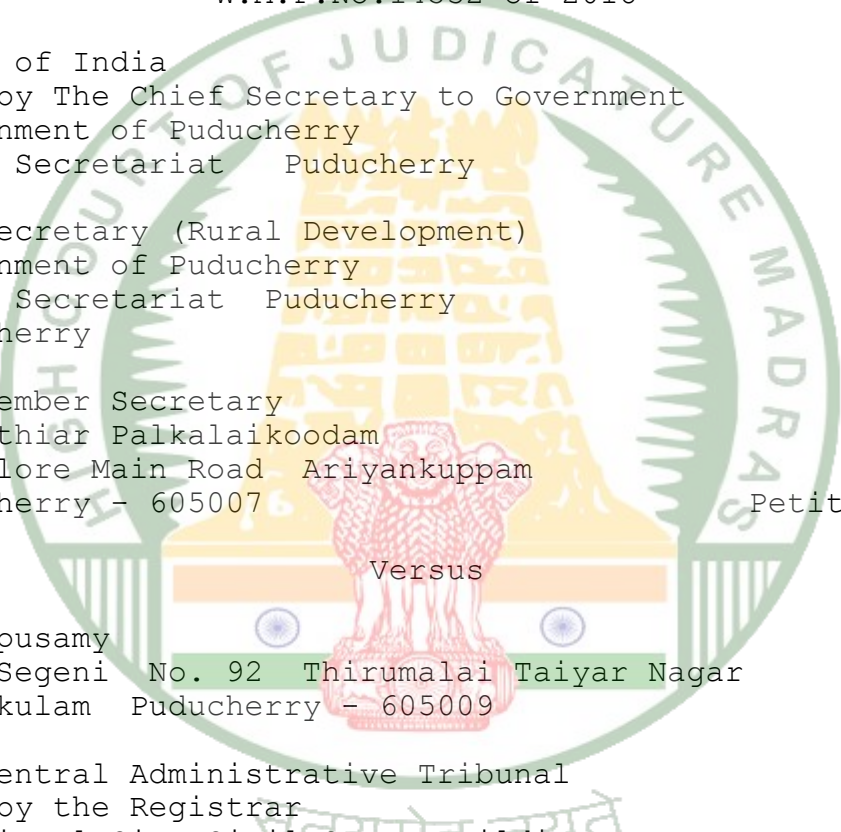
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12380 of 2018
and
W.M.P.No.14532 of 2018

- 
- 1 Union of India
Rep. by The Chief Secretary to Government
Government of Puducherry
Chief Secretariat Puducherry
- 2 The Secretary (Rural Development)
Government of Puducherry
Chief Secretariat Puducherry
Puducherry
- 3 The Member Secretary
Bharathiar Palkalaikoodam
Cuddalore Main Road Ariyankuppam
Puducherry - 605007
- Petitioners
- Versus
- 1 S.Kuppusamy
S/o. Segeni No. 92 Thirumalai Taiyar Nagar
Moolskulam Puducherry - 605009
- 2 The Central Administrative Tribunal
Rep. by the Registrar
Additional City Civil Court Buildings
Chennai - 600 104

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari call for the records pertaining to the order passed in O.A.No.310/01466/2015 dated 17.03.2017 on the file of the Central Administrative Tribunal Madras Bench 2nd respondent herein and quash the same.

For petitioners: Mr.R.Syed Mustafa,
Special Government Pleader

ORDER

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

Heard the learned Special Government Pleader appearing for the appellants.

2. The writ petition is filed by the Union of India challenging the correctness of the order passed by the Central Administrative Tribunal directing the appellants to pass final orders in the disciplinary proceedings initiated against the first respondent herein within two weeks failing which, they should release all retirement benefits to the first respondent herein immediately thereafter.

3. It appears that the Tribunal, having found that the disciplinary proceedings initiated as against the first respondent herein, by way of issuing charge memo on 8.1.2014 with the allegation that he had engaged six unskilled workers violating the bank imposed in G.O.No.22 dated 27.2.2009, the appellants have not completed the disciplinary proceedings as directed by the Tribunal in its earlier order dated 29.4.2014, has given a further direction to complete the enquiry in view of the fact that pensionary benefits had not been settled even though the first respondent was superannuated on 31.5.2015.

4. Having heard the learned Special Government Pleader appearing for the appellants and perused the materials available on record, we find that subsequent to the order passed by the Tribunal final orders came to be passed in the disciplinary proceedings dropping the charges levelled against the first respondent, as evidenced by a copy of the proceedings found at page 176 and 177 of the typed set of papers. Therefore, the order passed by the Tribunal cannot be found fault with and nothing survives for consideration.

5. In such a scenario, it appears that on the ground that there is another case filed by the CBI against the first respondent as on February 2015, the present writ petition has been filed by the Union of India. Therefore, the intention of the appellant State is also not made clear. When such a positive direction is given by the Tribunal for expeditious disposal of the matter, it seems that unnecessarily the Government wants to drag the proceedings at the cost of a retired person withholding his pension. When the charge memo is closed in the disciplinary proceedings in question, it is for the Government to settle the retirement benefits in favour of

the first respondent, if he is, otherwise, found eligible, within a period of two months from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Chief Secretary to Government
Government of Puducherry
Chief Secretariat Puducherry
- 2 The Secretary (Rural Development)
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सत्यमेव जयते

W.P.No.12380 of 2018

SVN (CO)
SP (29/06/2018)

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