

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM

Hon'ble Mr. Justice SATRUGHANA PUJAHARI

W.P.No.23747 of 2018

K.Subbiah,
(Formerly Assistant Executive Engineer
Sulur Sub Division, Rural Development
Department, Coimbatore)
51 , Jadal Naidu Street,
P.R.A. Nagar,
Periyanaicken Palayam Post,
Coimbatore District .641020. ... Petitioner

vs.

- 1.The Additional Chief Secretary
to Government,
Rural Development and Panchayat
Raj (E2) Department,
Fort St.George,
Chennai.600 009.
- 2.The Director of Rural Development
and Panchayatraj Department,
Panagal Building,
Saidapet,
Chennai.600 015. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Director of Rural Development and Panchayat Raj Department, Chennai.15, the second respondent herein to complete the enquiry in the Disciplinary proceedings initiated pursuant to charge Memo issued in Roc.No.34085/18/PPC 2.2 dated 6-6-2018 within a time frame and further direct the concerned respondents to pass final orders in another two months failing which a direction may be issued to the effect that the above Disciplinary proceeding shall stand dropped automatically as held in 2006(3) MLJ 80 and direct the respondents herein to disburse all the retiral, pensionary and all consequential service and monetary benefits and disburse all the arrears within a short date that may be fixed by this Court.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.S.Suresh Kumar
Government Advocate

O R D E R

Heard Mr.K.Rajkumar, 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 final disposal.

2. The grievance of the petitioner in this case is that while he was rendering service as an Assistant Executive Engineer at Coimbatore District, on the date of his attaining the age of superannuation, he was placed under suspension and was not allowed to retire from service. Thereafter, he was issued with a charge memo dated 06.06.2018, under Rule 17(b) of Tamil Nadu Civil Services(Discipline and Appeal) Rules and as such, the petitioner was unable to get his retiral and pensionary benefits. Hence, the respondent be directed to take final decision on the disciplinary proceeding in a time bound manner.

3. It is submitted by the learned counsel for the petitioner that inspite of time schedule prescribed for conclusion of the disciplinary proceedings, the same has not been concluded yet, the petitioner is suffering and hence, the respondent be directed to conclude the disciplinary proceedings within a stipulated time.

4. Mr.S.Suresh Kumar, learned Government Advocate, accepts notice on behalf of the respondents and seeks time to get instructions in the matter.

5. However, learned counsel appearing for the petitioner would submit that in view of the limited prayer sought for by the petitioner, the respondent be directed to conclude the disciplinary proceedings more particularly, when he is an employee, who on the date of his superannuation was placed under suspension and was not allowed to retire from service and his retiral and pensionary benefits are not settled yet.

6. Considering the facts and the submissions made, especially the fact that the writ petitioner though has already reached the age of superannuation but he was not allowed to retire as he was put under suspension due to the pendency of the disciplinary proceedings and the same is required to be

disposed of expeditiously, this Court dispose of this writ petition with an observation that the second respondent/disciplinary authority shall take all effective steps to conclude the disciplinary proceedings initiated against the petitioner, pursuant to the charge memo at the earliest preferably within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Chief Secretary
to Government,
Rural Development and Panchayat
Raj (E2) Department,
Fort St.George,
Chennai.600 009.

2.The Director of Rural Development
and Panchayatraj Department,
Panagal Building,
Saidapet,
Chennai.600 015.

+lcc to Mr.K.Rajkumar, Advocate Sr.63081
+lcc to the Government Pleader Sr.64162

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