

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.09.2018

Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No.24304 of 2018

K. Subbaiah

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Rural Development and Panchayat
Raj (E2) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Rural Development and
Panchayat Raj (E2) Department,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Collector,
Development Section, Coimbatore District,
Coimbatore - 641 018.
4. The Project Director Cum Enquiry Officer,
Women Development Office of the District Collector,
Virudhunagar District, Virudhunagar - 626 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the Additional Chief Secretary to Government, Rural Development and Panchayat Raj (E2) Department, Chennai - 600 009, the first respondent to pass final orders in the disciplinary proceedings pursuant to the submission of the Enquiry Report by the fourth respondent to the first respondent through the respondents 2 and 3 within a short date that may be fixed by this Court failing which, further direction may be issued that the disciplinary proceeding initiated pursuant to the charge memo of the third respondent made in ROC No.3836/2011/T2 dated 14.12.2011 shall stand dropped automatically as held in the decision reported in 2006 (3) MLJ 80.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mrs.R.Janaki,
Additional Government Pleader

O R D E R

Heard, Mr.K.Rajkumar, the learned counsel appearing for the petitioner and Mrs.R.Janaki, learned Additional Government Pleader, 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 disposal at the stage of admission.

2. The grievance of the petitioner, in this Writ Petition is that, he faced with a disciplinary proceeding, wherein, an enquiry was conducted, concluded and the report was furnished by the Enquiry Officer. Thereafter, the Disciplinary Authority sought for response of the petitioner on such enquiry report. The petitioner also submitted such response in the year 2013, but decision on the same has not been intimated to the petitioner, in any manner for the last six years. In the interregnum, though the petitioner has reached the age of superannuation, since he was put under suspension pursuant to such disciplinary proceeding, he has not been allowed to retire. In such circumstances, the petitioner has come to this Court seeking a writ of mandamus directing the first respondent, Government to pass final orders on such disciplinary proceeding considering his response in a time bound manner.

3. Considering the limited nature of relief sought for by the petitioner and also the submission of the learned Additional Government Pleader for the respondents, more particularly, respondent No.1 that he has no objection to consider such response/explanation filed by the petitioner in accordance with law, if the same is pending, no useful purpose is going to be served seeking counter affidavit from the respondents. Therefore, this Court proceeds to dispose of this Writ Petition at the stage of admission with a direction to the first respondent, who stated to be the Disciplinary Authority of the petitioner to take an informed and considered decision on such disciplinary proceeding addressing the response of the petitioner and also the materials placed before him by the Enquiry Officer within a period of two months from the date of receipt of a copy of this order, if no decision on the same is

yet been taken and also there is no other legal impediment in this regard. No costs.

sd

Sd/-

Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
Rural Development and Panchayat
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Virudhunagar District, Virudhunagar - 626 002.
- + 1 CC TO MR.K.RAJKUMAR, ADVOCATE SR 64087
- + 1 CC TO THE GOVT. PLEADER, SR 64964

KR/11/10/18

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