

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.32643 of 2018

S.Rajamurugeswaran

... Petitioner

..vs..

1 The Agricultural Production Commissioner
and Secretary to Government
Agriculture Department Government of Tamilnadu
Fort St.George chennai 600009

2 The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai 600035 ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pass final orders in the disciplinary proceedings pending against the petitioner pursuant to the charge memo issued by the second respondent in No.O.Na.3/51612/2008-3 dated 24.3.2012 within a time limit to be fixed by this court.

For Petitioner : Mr. P.Rajendran
For Respondents : Mr. R.S.Selvam, Govt. Advocate

O R D E R

Mr. R.S.Selvam, learned Government Advocate, takes notice for the respondents. With consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed by the petitioner seeking directions to the respondents to pass final orders on the disciplinary proceedings initiated against the petitioner.

3. The writ petitioner, who was initially appointed as Assistant Soil Conservation Officer on 27.11.1981, promoted as Junior Engineer on 01.12.2006, suffered a charge memo issued by the Chief Engineer, on 24.03.2012. He is due to retire in March 2019. The charges framed were under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Explanation to the charge memo was submitted and thereafter, an enquiry was conducted and in the enquiry conducted, it was held that Charge No.1 was not proved and Charge Nos.2 and 3 alone were proved. The copy of the final report has been furnished to the petitioner and he has submitted his further explanation also, on

03.03.2015. Thereafter, no further action has been taken. Fearing that the petitioner may suffer last minute suspension order from the respondents, and by way of abandoned caution, the petitioner has filed this petition seeking directions to the respondents to pass final orders on the enquiry report.

4. Heard the learned counsel appearing for both sides and perused the materials available on record.

5. It is to be pointed out that, already a representation dated 05.09.2018 has been submitted by the petitioner to the respondents and even then, no further orders have been passed. In the representation dated 05.09.2018, the petitioner has submitted that the petitioner is not guilty of any charges and he must be relieved from all the charges.

6. Needless to point out that when an additional explanation has been submitted, even on 03.03.2015, there is no necessity for the authorities to keep the same pending. This Court also wishes to point out that already there are Government Orders restraining the authorities from passing order of suspension on the date of retirement.

7. In view of the above reasonings and considering the facts and circumstances of the case, the respondents are directed to pass final orders on the pending enquiry proceedings against the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk
To

1.The Agricultural Production Commissioner
and Secretary to Government
Agriculture Department Government of Tamilnadu
Fort St.George, Chennai- 600009.

2.The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai- 600035.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.86380 (24/01/2019)

W.P.No.32643 of 2018

RJ1 (CO)
rrs 11/12/2018