

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.33064 of 2018
and W.M.P.Nos.38328, 38333 & 38339 of 2018

N.Nagaraj

... Petitioner

Versus

1.The Principal Secretary to Government,
Handloom, Handicrafts, Textiles & Khadi Department,
Fort St.George, Chennai-9.

2.The Chief Executive Officer,
T.N.Khadi & Village Industries Board,
'Kuralagam', Chennai-108.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned order passed by the 2nd respondent in RC.No.10749/E3 (3)/2017, dated 29.11.2017 and RC No.10749/E3/2017 dated 29.11.2017 and to quash the same and direct the respondents to superannuate the petitioner from service and grant him all consequential service, monetary and retiral benefits within a reasonable time and grant such other further relief.

For Petitioner : Mr.K.Venkatramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.S.K.Bose,
Standing Counsel

ORDER

This Court, by an order dated 11.01.2018 in the earlier W.P.No.658 of 2015 filed by the present writ petitioner Nagaraj, indicated to the respondent that the petitioner had already attained the age of superannuation and therefore, there is a necessity to complete the disciplinary enquiry expeditiously and to pass final orders within a period of six months. Even thereafter as it has not been done, now, the second writ petition has been filed in W.P.No.33064 of 2018.

2. The learned counsel for the petitioner submitted that the petitioner has submitted a representation dated 26.02.2018 to the respondents, requesting the respondents to disburse the retirement benefits, but, that has not been done. It is contended that the impugned order of suspension dated 29.11.2017 and impugned order of not allowing the petitioner to retire from service dated 29.11.2017 are in violation of G.O.Ms.No.144, P&AR (N) Department, dated 08.06.2007, where under, the Government's instruction is to take action on the pending disciplinary proceedings as well as initiation of fresh disciplinary enquiry against a Government Servant, much prior to the normal date of superannuation. Despite all these mandates, the respondents are not responding. Hence, this writ petition has been filed.

3. The learned counsel appearing for the petitioner further submitted that preliminary enquiry has taken six months and it may take another six months for the authorities to complete the enquiry.

4. The learned counsel for the petitioner further submitted that the auction purchaser has made a representation stating that a property to an extent of 2.00 acres was sold to him, but on measurement, he found only 1.80 acres and he requested for refund of excess amount paid by him for 20 cents of land. Based on the same, the petitioner as Assistant Director has sent the file to the authorities concerned and authorities had issued an order for refund of excess amount paid by the auction purchaser.

4.1. So stating, it is contended by the learned counsel for the petitioner that the petitioner cannot be made responsible for conspiracy and for allegation that the property had been sold for a lesser price.

5. Having regard to the nature of allegations, it is contended by the learned counsel for the respondent that the enquiry is essential and it must be allowed to be completed.

6. Already sufficient time has been taken for conducting enquiry. The respondents are not expected to take much time, especially, when the petitioner has already attained superannuation.

7. Considering the facts and circumstances of this case and also considering the nature of allegations made against the petitioner, the respondents are directed to complete the enquiry within a period of six months from date of receipt of a copy of this order, failing which, the enquiry shall stand closed.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous

petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ogy/klt

To

1.The Principal Secretary to Government,
Handloom, Handicrafts, Textiles & Khadi Department,
Fort St.George, Chennai-9.

2.The Chief Executive Officer,
T.N.Khadi & Village Industries Board,
'Kuralagam', Chennai-108.

+1 cc to Mr.M.Muthappan, Advocate Sr.No.88009

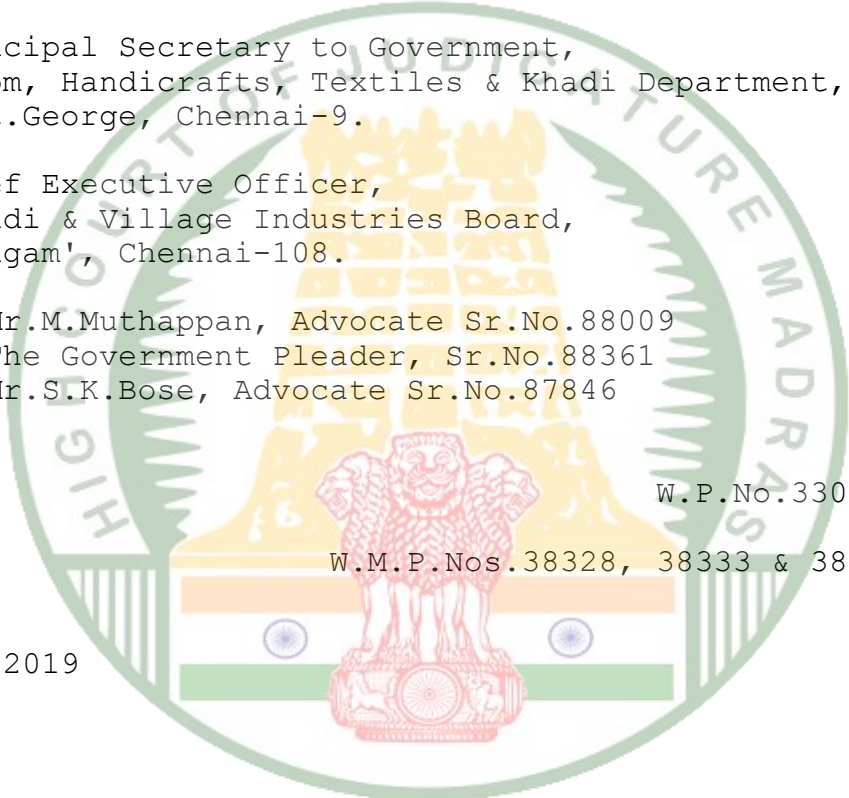
+1 cc to The Government Pleader, Sr.No.88361

+1 cc to Mr.S.K.Bose, Advocate Sr.No.87846

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and

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CA(CO)
CSL/14.02.2019

The seal of the High Court of Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital standing on a base. The capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The entire emblem is encircled by a green border containing the text 'HIGH COURT OF MADRAS' in white capital letters. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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