

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33849 of 2018

ANS Gunaasegharan

.... Petitioner

Vs

1.The Principal Secretary and
Transport Commissioner
Chepauk, Chennai 600 005.

2.The Commissioner for Disciplinary
Proceedings, Coimbatore,
5/1842-A, Trichy Road
Market Committee Complex
Ramanathapuram,
Coimbatore 641045.

.... Respondents

For Petitioner : Mr.A.Ganesan

For Respondents: Mr.A.N.Thambidurai,
Spl.Govt.Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to conclude the disciplinary proceedings in TDP Case No.48/2008 of the Tribunal for Disciplinary Proceedings, Coimbatore pending with him and pass final orders within a reasonable time as deem fit by this Court.

O R D E R

This writ petition has been filed seeking direction to the first respondent to conclude the disciplinary proceedings in TDP Case No.48/2008 pending on the file of the Tribunal for Disciplinary Proceedings, Coimbatore.

2. Learned counsel for the petitioner submits that the second respondent issued a charge memo against the petitioner on 24.07.2009, completed the enquiry and sent the enquiry report to the first respondent on 20.12.2016. Further explanation was sought for from the petitioner and the petitioner submitted his

further explanation on 27.07.2017. Thereafter, the petitioner was suspended on 29.01.2018, and was not permitted to retire from service on attaining superannuation on 31.01.2018. Hence, the petitioner submitted a representation to the first respondent on 02.03.2018 and 04.09.2018, to pass final orders on the disciplinary proceedings. The first respondent has not replied to the said representations till date, which has made the petitioner to file the present writ petition.

3. Learned counsel for the petitioner submits that the disciplinary proceedings, which was initiated in the year 2009 has not been completed till date despite several representations. Learned counsel further submits that the enquiry report dated 20.12.2016 should have been considered and the final orders should have been passed atleast at the time of retirement of the petitioner in 2018, but even thereafter, it has not been considered.

4. Under the circumstances, the respondents are directed to conclude the disciplinary proceedings and pass final orders, within a period of eight weeks from the date of receipt of a copy of the order. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kst
To

1.The Principal Secretary and
Transport Commissioner, Chepauk, Chennai 600 005.

2.The Commissioner for Disciplinary
Proceedings, Coimbatore, 5/1842-A, Trichy Road
Market Committee Complex, Ramanathapuram,
Coimbatore 641045.

+1cc to Mr.C.Prakasan, Advocate Sr.88650

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ad[co]
srg 25/01/2019