



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.7840 of 2018

Subash Bose

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Secretariat,
Chennai.

2. The Commissioner for Disciplinary Proceedings,
Collectorate Office, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conclude the disciplinary proceedings in Na.Ka.C.453-2006 (TDP 6-2006) dated 12.01.2007 and pass final order within the time frame stipulated by this Court by considering the petitioner's representation dated 05.02.2018.

For Petitioner : Mr.R.Naresh Kumar

For Respondents : Mr.D.Muruganantham, AGP

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the second respondent to conclude the disciplinary proceedings in Na.Ka.C.453-2006 (TDP 6-2006) dated 12.01.2007 and pass final order within the time frame stipulated by this Court by considering the petitioner's representation dated 05.02.2018.

2.The learned counsel appearing for the petitioner submits that in the year 2007, a disciplinary proceedings was initiated against the petitioner by serving a charge memo dated 12.01.2007. Thereafter, enquiry was conducted for which, summons was issued, pursuant to which, the petitioner also appeared before the enquiry officer and after sometime, it was not progressed. Thereafter, in the year 2014, once again, summons for enquiry was issued in



August 2014 and November 2014, pursuant to which, the petitioner appeared before the enquiry officer and thereafter, no progress has been made in the said disciplinary proceedings and the same has been pending all along for the past 12 years.

3. The learned counsel appearing for the petitioner would further submit that the petitioner, though superannuated on 30.05.2006, was not permitted to retire because of the pendency of the disciplinary proceedings. In view of the long pendency of the disciplinary proceedings, the petitioner, even though superannuated, is not able to get the retiral benefits and as he suffered a lot, the petitioner is before this Court.

4. I have heard the learned Additional Government Pleader, who would submit that since disciplinary proceedings was initiated as early as in the year 2007 itself, the disciplinary authority will conclude the same within a reasonable time that may be fixed by this Court.

5. I have considered the said submissions made by both sides.

6. In view of the factual matrix that the disciplinary proceedings was initiated 10 years back and till date, no conclusion has been reached and the petitioner also superannuated, however, was not permitted to retire, to meet the ends of justice, this writ petition is disposed of with the following direction:

"The respondents are directed to conclude the disciplinary proceedings initiated against the petitioner by issuance of charge memo dated 12.01.2007, within a period of three months from the date of receipt of a copy of this order.

It is made clear that, if the enquiry is not yet completed immediately, steps shall be taken to conclude the enquiry by issuance of summons and in such case, the petitioner also shall cooperate with the enquiry officer without taking any lame excuse. After concluding the enquiry, if it is not completed, the disciplinary authority shall pass final orders, within the said period of three months and intimate the same to the petitioner."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

1. The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Secretariat,
Chennai.

2. The Commissioner for Disciplinary Proceedings,
Collectorate Office, Nagercoil,
Kanyakumari District.

+ 1 cc TO The Special Government Pleader in SR No. 64482

Arul

AE/KKR/SAR2/16.05.2018/3P/4C

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27.04.2018