



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10103 of 2018

C.Baskaran,
Junior Engineer,
Tirunelveli Corporation,
Tirunelveli District.

... Petitioner

Vs.

- 1) The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.
- 2) The Commissioner of Municipal Administration,
O/o the Commissioner of Municipal Administration,
Chennai 600 005
- 3) The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass final order in respect of the disciplinary proceeding initiated in pursuant to the charge memo issued by the 3rd respondent ந.க.எண்.11040/2008/ஈ1 dated 30.12.2008 within the period that may be stipulated by this Court.

For Petitioner	: M/s. Ajmal Associates
For RR 1 & 2	: Mr.D.Muruganantham, Addl., Government Pleader.
For R3	: Mr.Aayiram Selvakumar

O R D E R

The prayer sought for in this Writ Petition is to issue a Writ of Mandamus, directing the 1st respondent to pass final orders, in respect of the disciplinary proceeding initiated in pursuant to the charge memo issued by the 3rd respondent ந.க.எண்/11040/2008/ஈ1 dated 30.12.2008 within the period, that may be stipulated by this Court.



2. I have heard the learned counsel for the petitioner, Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 & 2 and and Mr.Aayiram Selvakumar, learned counsel appearing for the third respondent.

3. Learned counsel for the petitioner submitted that, against the petitioner, even though disciplinary proceedings was initiated, by serving the charge memo as early as on 30.12.2008, so far, the said disciplinary proceedings is not completed and because of the long pendency of the disciplinary proceedings, the petitioner is suffering a lot and therefore, the petitioner has given representations from the year 2015 onwards, in every year, but, the said representations have not been considered and no positive relief has come from the respondents, to conclude the disciplinary proceedings. Therefore, the learned counsel for the petitioner would submit that if a direction is given to consider the representations of the petitioner dated 23.12.2015 followed by several reminder representations dated 27.12.2016, 14.03.2017 and 14.11.2017 and if an order is passed on merits within the time frame stipulated by this Court, the petitioner would be satisfied.

4. I have heard Mr.D.Muruganantham, learned Additional Government Pleader for respondents 1 & 2, who would submit that, the said representations of the petitioner, with regard to the grievance of concluding the disciplinary proceedings would be considered , within the time frame, that may be stipulated by this Court.

5. Considering the said submissions made by both sides, the representations made by the petitioner dated 23.12.2015 followed by several reminder representations dated 27.12.2016, 13.03.2017 and 14.11.2017 shall be considered by the first respondent on merits and in accordance with law and an order to that effect shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

6. The petitioner shall submit a copy of his aforesaid representations along with a copy of this order to the 2nd respondent within a period of one week from the date of receipt of a copy of this order and the second respondent shall forward the same to the first respondent within a period of one week from the date of receipt of a copy of the order. With this directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1) The Principal Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2) The Commissioner of Municipal Administration,
O/o the Commissioner of Municipal Administration,
Chennai 600 005

3) The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 64639

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65041

STS

TE/SKN-RSK/SAR-2 : 11/06/2018 : 3P/6C

Order in
W.P. (MD) No.10103 of 2018
28.04.2018