



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.10295 of 2018

S.Sankaran

... Petitioner

-vs-

1. The Director,
Rural Development and Panchayat Raj Department
Panagal Building,
Saidapet, Chennai.

2. The District Collector (Development Section)
O/o.the District Collectorate Campus,
Sivagangai,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to conclude the departmental proceedings initiated in pursuance of the charge memo issued by the 2nd respondent in his proceeding dated 29.11.2016, and consequently to direct the respondents to pass final orders by considering the petitioner's representation dated 08.01.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents: Mr.K.Saravanan
Government Advocate

O R D E R

The prayer in the writ petition is for a writ of Mandamus to direct the respondents to conclude the departmental proceedings initiated in pursuance of the charge memo issued by the 2nd respondent in his proceeding dated 29.11.2016, and consequently to direct the respondents to pass final orders by considering the petitioner's representation dated 08.01.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel for the petitioner and the learned



Government Advocate for the respondents.

3. The learned counsel for the petitioner would submit that there was a disciplinary proceeding under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal), Rules 1955 initiated against the petitioner by issuing a charge memo dated 29.11.2016.

4. Thereafter the petitioner has given explanation on 20.12.2016. Not satisfying with the same, Enquiry Officer was appointed and enquiry was conducted. After enquiry, the Enquiry Officer has given his report on 05.04.2017. Thereafter, second show cause notice also was issued. Pursuant to the second show cause notice, the petitioner had given his further representation/explanation on 01.09.2017. Thereafter, the entire disciplinary proceeding file with the enquiry officer's report as well as the explanation given by the petitioner had been forwarded by the second respondent to the first respondent on 04.10.2017. Even though, the file was forwarded on 04.10.2017 by the second respondent, the first respondent, who is the authority to pass orders on the disciplinary proceeding, has not so far passed any orders. Therefore, in order to conclude the disciplinary proceeding by passing a final order by the first respondent, seeking a mandamus, as has been prayed for, the petitioner is before this Court with this petition.

5. I have heard the learned Government Advocate for the respondents, who would submit that since the enquiry has been completed and disciplinary proceeding has to be concluded by passing a final order by the first respondent, based on the representation, since the entire file was submitted by the second respondent on 04.10.2017 along with the enquiry report, certainly, the first respondent would pass final orders and conclude the disciplinary proceeding within a time to be fixed by this Court.

6. This Court has considered the said submissions made by both sides and in view of the above, this writ petition is disposed of with the following directions:

"That the first respondent is directed to consider the enquiry report and other relevant documents, including the explanation given by the petitioner as forwarded by the second respondent, vide his proceeding dated 04.10.2017 and pass final orders by concluding the disciplinary proceeding either way within a period of four weeks from the date of receipt of a copy of this order. No costs."

Sd/-

Assistant Registrar (CSIII)



1. The Director,
Rural Development and Panchayat Raj Department
Panagal Building,
Saidapet, Chennai.

2. The District Collector (Development Section)
O/o.the District Collectorate Campus,
Sivagangai, Sivagangai District.

+1 CC TO M/S . AJMAL ASSOCIATES , Sr.No. 64548
+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 64977

JAM/24/05/2018/ RSK-SKN/SAR 3/ 3P-5C

W.P. (MD) No.10295 of 2018
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