



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.12967 of 2018

K.Vidya

... Petitioner

-Vs-

1. The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Chennai-600 009.

2.The Principal Secretary / Commissioner of
Treasuries and accounts,
Integrated Finance Department Offices Complex,
Nandanam,
Chennai-600 035.

3. The Treasury Officer,
District Treasury,
Thanjavur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent i.e., the Additional Chief Secretary to Government, Finance Department, Chennai to get the enquiry report from the Principal Secretary/Commissioner of Treasuries and Accounts, Chennai and to pass final orders before the petitioner's date of superannuation i.e., on 30.09.2018 since she has been suffering mentally because of the pendency of the disciplinary action and suspension from 30.12.2015.

For Petitioner : Mr.Visvalingam

For Respondents : Mrs.S.Srimathy

Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent i.e., the Additional Chief Secretary to Government, Finance Department, Chennai to get the enquiry report from the Principal Secretary/Commissioner of Treasuries and Accounts, Chennai and to pass final orders before the



petitioner's date of superannuation i.e., on 30.09.2018, since she has been suffering mentally because of the pendency of the disciplinary action and suspension from 30.12.2015.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as Assistant Treasury Officer and she was placed under suspension from 30.12.2015. Thereafter, the disciplinary proceedings was initiated and charge memo was issued. The Enquiry Officer was appointed but he did not commence the enquiry. Subsequently, the second Enquiry Officer was appointed who has completed the enquiry on 26.04.2018. However, it seems that the Enquiry Officer had not forwarded the enquiry report to the first respondent who is the disciplinary authority.

3.In this regard, the learned counsel appearing for the petitioner would further submit that, since the petitioner's superannuation would fall on 30.09.2018 and she has been placed under suspension from 30.12.2015 and enquiry was also over on 26.04.2018 and the first respondent has to decide the disciplinary proceedings after getting the enquiry report from the Enquiry Officer, it would be suffice, if the enquiry report has been sent to him within a time frame.

4.I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents who would submit that if the enquiry report is not received by the first respondent who is the disciplinary authority, the same would be obtained and on receipt of the same, the enquiry report would be considered after giving due opportunity to the petitioner to respond and thereafter, decision would be taken by the first respondent within a time frame that may be stipulated by this Court.

5.Considering the said submissions made by both sides, this Court is inclined to pass the following order in this Writ Petition:-

"that the first respondent is directed to call for the enquiry report from the Enquiry Officer, if it has not already been forwarded to him and on receipt of the enquiry report, the first respondent shall decide the same, after affording an opportunity to the petitioner to respond, on merits and in accordance with law and the final order shall be passed by the first respondent within a period of six weeks from the date of receipt of a copy of this order."



6. With this direction, the Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Chennai-600 009.

2. The Principal Secretary / Commissioner of
Treasuries and accounts,
Integrated Finance Department Offices Complex,
Nandanam,
Chennai-600 035.

3. The Treasury Officer,
District Treasury, Thanjavur.

+1 CC to Mr.S.VISVALINGAM, Advocate in SR.No.68596

+1 CC to the Special Government Pleader, SR.No.68857

RMI

RJ/PN/SAR-4/25/07/2018 - 3P/6C

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