



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.21793 of 2018

P.S. Sathiyamoorthi

... Petitioner

vs.

1. The Principal Secretary and Commissioner of Revenue,
Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents i.e., the Principal Secretary and Commissioner of Revenue Administration, Chennai and the District Collector, Ramanathapuram to pass appropriate orders in the disciplinary action initiated against the petitioner in Collector's memo No.A5/8203/14, dated 14.03.2014 within a specified time as fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Dhayalan

Government Advocate

O R D E R

The prayer as sought in the writ petition is limited in its scope and therefore, the same is taken up for disposal.

2. Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents and he would have no objection for disposing of the writ petition at the admission stage itself.

3. The case of the petitioner is that he was working as Village Administrative Officer at Kallikudi Village, Paramakudi Taluk, Ramanathapuram District. He attained the age of superannuation on 30.09.2014 and on the said date, he was allowed to retire without prejudice to the disciplinary action which was pending against him. On 14.03.2014, it appears that a charge memo was issued against the petitioner for certain irregularities in disbursement of Crop Insurance Certificate. Thereafter, an enquiry



was conducted and according to the petitioner, the enquiry was completed as early as on 07.04.2014 and a report was also submitted on 03.08.2014.

4. In spite of a representation being submitted as early as on 25.08.2017, no further action was taken in the matter and till date, according to the petitioner, the disciplinary action has not been completed and no final order has been passed. In view of the pendency of the disciplinary action, the petitioner has been deprived of his due retirement benefits, though he was retired as early as on 30.09.2014. In view of the same, the petitioner seeks a direction to the second respondent to pass appropriate orders in the disciplinary action initiated against the petitioner in pursuance of the charge memo dated 14.03.2014.

5. In view of the above narration of facts, this Court is of the considered view that in the fitness of things, the second respondent has to be directed as prayed for by the writ petitioner.

6. Therefore, the writ petition is disposed of with the following direction:

"The second respondent is directed to pass appropriate final orders in pursuance of the disciplinary action initiated against the petitioner as aforementioned within a period of four weeks from the date of receipt of a copy of this order. The second respondent is directed to comply with the direction without any further delay."

No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Principal Secretary and Commissioner of Revenue,
Administration,
Ezhilagam, Chepauk, Chennai-600 005.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 91463

SSL

TE/PM/SAR-4 : 19/11/2018 : 2P/4C