



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) Nos.14143 of 2018

P.Sekar

... Petitioner

Vs.

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Principal Secretary/Commissioner of
Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

... 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 i.e. the Principal Secretary and Commissioner of Revenue Administration, Chennai to appoint the Enquiry Officer within a specified time frame and to send it to the Government without any delay and the first respondent may be directed to dispose off the disciplinary action initiated in charge memo No.Ser2(2)/26294/2014 dated 23.12.2017 after getting the report of the Enquiry Officer within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

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 i.e. the Principal Secretary and Commissioner of Revenue Administration, Chennai to appoint the Enquiry Officer within a specified time frame and to send it to the Government without any delay and the first respondent may be directed to dispose off the disciplinary action initiated in charge memo No.Ser2(2)/26294/2014 dated 23.12.2017 after getting



the report of the Enquiry Officer within a specified time frame that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that, the petitioner was last serving as District Backward Classes and Minorities Welfare Officer, Thoothukudi and he was not allowed to retire on attaining the age of superannuation on 30.06.2018, as per the order made in G.O.(2D) No.239, Revenue and Disaster Management Department, dated 29.06.2018. By the said order, the petitioner has been placed under suspension for the pendency of the disciplinary action initiated against the petitioner by charge memo dated 23.12.2017. The learned counsel would further submit that for the delinquency alleged to have taken place in the year 2013, the respondents took four years to issue charge memo and even after the charge memo was issued in December 2013 and an explanation to the charge memo had been given by the petitioner on 27.03.2018, till the petitioner attained superannuation, no enquiry officer was appointed and no enquiry was commenced. Therefore, the grievance of the petitioner is that, since he has been placed under suspension as he was not permitted to retire from service, the disciplinary proceedings initiated against the petitioner shall be completed at the earlier point of time. For the same, the official action of appointment of enquiry officer immediately to be taken place and thereafter, within a time frame, the respondents may be directed to complete the enquiry.

4.I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that, in order to complete the disciplinary proceedings, enquiry officer would be appointed shortly and after appointment of enquiry officer, enquiry would be conducted and disciplinary proceedings would also be completed within a time frame.

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

"The second respondent is directed to appoint enquiry officer, within a period of four weeks from the date of receipt of a copy of this order and on appointment of enquiry officer, enquiry officer shall proceed to complete the enquiry and file a report to the disciplinary authority, within a period of three months thereafter."



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

WEB COPY

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Principal Secretary/Commissioner of
Revenue Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 70765

ARUL
TE/SKN/SAR-1 : 31/10/2018 : 3P/4C

W.P (MD) No.14143 of 2018
03.07.2018