



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

CORAM:

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17141 of 2018

S.Gopalakrishnan

... Petitioner

Vs

1) The Principal Secretary /
Commissioner of Revenue,
Administration,
Ezhilagam,
Chepauk, Chennai 600 005

2) The District Collector,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent i.e., the Principal Secretary / Commissioner of Revenue Administration, Chennai to dispose of the disciplinary action initiated against the petitioner in memo No.14699/2012 dated 27.06.2013 of the District Collector, Thanjavur and final enquiry conducted by the Commissioner of Revenue Administration, Chennai in his letter No.பணி 3(3)/41502/2013 dated 26.08.2016 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.K.Saravanan,
Government Advocate.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the first respondent i.e., the Principal Secretary / Commissioner of Revenue Administration, Chennai to dispose of the disciplinary action initiated against the petitioner in memo No.14699/2012 dated 27.06.2013 of the District Collector, Thanjavur and final enquiry conducted by the Commissioner of Revenue Administration, Chennai in his letter No.gzp 3(3)/41502/2013 dated 26.08.2016 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.K.Saravanan, learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that, the petitioner was last served as Head Assistant in the cadre of Deputy Tashildar at the office of the Revenue Divisional Officer, Thanjavur. The date of superannuation was on 30.06.2013. However, he was permitted to retire without prejudice to the disciplinary proceedings, which was pending at that time against him. The said disciplinary proceedings initiated against the petitioner was under Rule 17(b) Tamil Nadu Civil Services (Discipline & Appeal)

Rules by the charge memo of the District Collector dated 27.06.2013, for which the petitioner had given his explanation on 13.07.2013.

4. Thereafter, an Enquiry Officer was appointed, who completed the enquiry and submitted the enquiry report on 06.02.2014. However, the enquiry report itself was communicated to the petitioner only after 06.07.2016 and the second explanation was given by the petitioner on 18.07.2016.

5. In spite of all these developments, completion of the proceedings of the Disciplinary action, by giving a second show cause notice and pursuant to it, further enquiry was conducted on 12.09.2016 and on completion of the same, still the first respondent, who is the competent Authority to pass orders, has not passed the final orders, concluding the disciplinary proceedings. Because of the said pendency, the petitioner is not able to get his retiral benefits. Therefore, the petitioner, in this regard has given a representation on 25.04.2018. However, no orders so far has been passed and therefore, the petitioner is before this Court.

6. I have heard Mr.K.Saravanan, learned Government Advocate appearing for the respondents, in this regard, who would submit that, the first respondent / Disciplinary Authority has not passed the final orders on the disciplinary proceedings which has been concluded.

7. Taking into account, the said factual matrix of this case and also by hearing the submissions made by both sides, this Court is inclined to pass the following orders:-

" that the first respondent is directed to pass final orders on the disciplinary proceedings initiated against the petitioner by charge memo of the second respondent dated 27.06.2013 by taking into account, the enquiry report dated 06.02.2014 and the explanation given by the petitioner on 18.07.2016 and also by considering the representation of the petitioner dated 25.04.2018 and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of



receipt of a copy of this order."

8. With the above direction, this Writ Petition is disposed of. However, there shall be no orders as to costs.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1) The Principal Secretary /
Commissioner of Revenue,
Administration,
Ezhilagam,
Chepauk, Chennai 600 005

2) The District Collector,
Thanjavur District,
Thanjavur.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 76465
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76985

STS

TE/BK/SAR-4 : 26/12/2018 : 3P/5C

Order made in
W.P. (MD) No.17141 of 2018
02.08.2018