

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1400 of 2019

K.Venkatesan

...Petitioner

Vs

1. State of Tamil Nadu,
Rep.by the Secretary to Government,
Highways and Minor Ports (HR 2) Department,
Secretariat,
Chennai - 600 009.

2. The Director General,
Highways, Guindy,
Chennai - 600 025.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondent no.2 to pass final orders in respect of the charge memo bearing No.854/Kamukkam 2(2)/2016-4 dated 09.05.2017 issued by the respondent no.2 and further directing the respondents to pay the petitioner his provisional pension with effect from 01.06.2017.

For Petitioner : M.Radhakrishnan

For Respondents: Mr.R.S.Selvam, Govt.Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition to direct the 2nd respondent to pass final order in respect of the charge memo bearing No.854/Kamukkam 2(2)/2016-4 dated 09.05.2017 and consequently, direct the respondents to pay provisional pension with effect from 01.06.2017 to him.

3. According to the learned counsel for the petitioner, while the petitioner was in service, he was issued with a charge memo dated 09.05.2017. Pending the same, he was permitted to retire with effect from 31.05.2017 on attaining the age of superannuation. Thereafter, an Enquiry Officer was appointed; enquiry was conducted into the charges levelled against the petitioner and the same was completed as early as on 16.05.2018. However, no final order was passed by the second respondent till date. Even the provisional pension was also not paid to the petitioner. Hence, this writ petition.

4. Mr. R.S. Selvam, learned Government Advocate taking notice for the respondents fairly submitted that the claim of the petitioner be considered and appropriate orders be passed by the respondents within a time frame to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jas/rk

To

1. The Secretary to Government,
Highways and Minor Ports (HR 2) Department,
Secretariat, Chennai - 600 009.

2. The Director General, Highways, Guindy,
Chennai - 600 025.

+1cc to M. Radhakrishnan, Advocate, S.R.No.5223
+1cc to the Government Pleader, S.R.No.5517

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MG (CO)
CS/07/03/2019