

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15544 of 2009
and M.P.No.2 of 2009

H.Grace Annabai

.. Petitioner

-vs-

1.The Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Fort St. George, Chennai-9.

2.The Director of Social Welfare,
Chepauk, Chennai-5.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus by calling for the records relating to the first respondent herein in G.O. (D) No.223 Social Welfare and Nutritious Meal Programme (SW1) Department dated 04.12.2007 and the consequential order in not permitting to retire from service by the first respondent herein in G.O. (2D) No.22 Social Welfare and Nutritious Meal Programme Department dated 31.03.2008 and quash the same and consequently direct the respondent herein to retire the petitioner from service with effect from 31.03.2008 and confer all the attendant and pensionary benefits with due regards to the petitioner's seniority.

For Petitioners :: Mr.R.S.Anandan

For Respondents :: Mr.M.Elumalai,
Government Advocate

ORDER

The writ petition has been filed challenging the correctness of the G.O. (D) No.223 Social Welfare and Nutritious Meal Programme (SW1) Department dated 04.12.2007 issued by the first respondent herein and the consequential order in not permitting to retire from service by the first respondent herein in G.O. (2D) No.22 Social Welfare and Nutritious Meal Programme Department dated 31.03.2008 and seeking a direction to the

respondents herein to permit the petitioner to retire from service with effect from 31.03.2008 and confer all the attendant and pensionary benefits with due regards to the petitioner's seniority.

2.Learned counsel appearing for the petitioner would submit that even before filing of the writ petition, the enquiry held against the petitioner was over on the basis of the charges levelled against him, but a copy of the report, as per the statement made by the learned counsel appearing for the petitioner, has not been furnished to the petitioner. Therefore, learned counsel for the petitioner prays for a direction to the respondents to furnish a copy of the report along with the second show cause notice calling upon the petitioner and also prays for time to produce representation on the report of the enquiry officer by the petitioner and after the representation being made by

the petitioner, the disciplinary authority to pass appropriate orders within a reasonable time to be given by this Court.

3.Recording the statement made by the learned counsel for the petitioner and also the request made by the learned Government Advocate appearing for the respondents to give sufficient time to pass final orders on the pending enquiry, this Court, taking note of the fact that the enquiry was already over, directs the disciplinary authority to furnish a copy thereof to the petitioner, if not furnished already and hereby grants two weeks time to the petitioner to submit his further representation to the report of the enquiry officer. On receipt of the same, the respondents are directed to pass final orders within a period of two weeks thereafter. With the above direction, the writ petition is disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Fort St. George, Chennai-9.

2.The Director of Social Welfare,
Chepauk, Chennai-5.

+1 cc to Mr.r.S.Anandan, Advocate Sr.No.24381
+1 cc to The Government Pleader, Sr.No. 24740

W.P.No.15544 of 2009
and M.P.No.2 of 2009

GJ(CO)
CSL/23.04.2019



WEB COPY