

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3171 of 2019

N.V.Thayumanavar

... Petitioner

Vs

1.The Principal Secretary to Government,
Labour and Employment Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 9.

2.Maheesan Kasirajan, I.A.S.,
Enquiry Officer/Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai, Chepauk,
Chennai - 5.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass final orders on the basis of the enquiry conducted by the 2nd respondent.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

According to the learned counsel for the petitioner, the petitioner, who was due to retire from service on 31.05.2014, was placed under suspension on 28.05.2014; charge memo was issued on 29.06.2014; the second respondent was appointed as Enquiry Officer and the enquiry was concluded on 29.05.2018. However, the 1st respondent has not passed a final order in the disciplinary proceedings initiated against the petitioner. Even the several efforts made by the petitioner did not yield any result. Hence, the petitioner is before this Court.

2. The learned counsel for the petitioner submitted that the petitioner has made representation dated 07.11.2018 and reminders dated 12.11.2018 and 02.01.2019 to the 1st respondent requesting to pass a final order, based on the enquiry conducted by the second respondent and the same are pending without any consideration.

3. Mr.A.N.Thambidurai, learned Special Government Pleader taking notice for the respondents submitted that the 1st respondent be directed to consider the petitioner's representation and pass appropriate order on merits.

4. 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 first respondent to consider the representation of the petitioner dated 07.11.2018 and reminders dated 12.11.2018 and 02.01.2019 based on the enquiry conducted by the second respondent, and pass final order, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vsi2

To

1.The Principal Secretary to Government,
Labour and Employment Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 9.

2.Mahesan Kasirajan, I.A.S.,
Enquiry Officer/Managing Director,
Tamil Nadu Minerals Limited,
No.31, Kamarajar Salai, Chepauk,
Chennai - 5.

+1cc to Mr.A.Thiyagarajan, Advocate SR.No.8697

+1cc to Government Pleader SR.No.9782

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RR(CO)
GMY(11/03/2019)



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