

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**W.P.No.3507 of 2019**

S.Lakshmanan

.. Petitioner

vs.

The Commissioner,  
Tribunal for Disciplinary Proceedings,  
5/1842/A Trichy Road,  
Market Committee Complex,  
Ramanathapuram, Coimbatore.

.. Respondent

**PRAYER:** This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to dispose of the Disciplinary Proceedings pending against the petitioner in TDP.Case No.18 of 2012 within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.A.N.Thambidurai  
Special Government Pleader.

**ORDER**

The relief sought for in the present writ petition is for a direction to direct the 1<sup>st</sup> respondent to dispose of the disciplinary proceedings pending against the petitioner in TDP. Case No.18/2012 within an appropriate time.

2. The writ petitioner is now working as Inspector of Police. The grievances of the writ petitioner is that on account of certain allegations, the departmental disciplinary proceedings were initiated against him. Subsequently, the competent authorities transferred the case to the Tribunal for disciplinary proceedings for the purpose of conducting an enquiry and to submit report. The writ petitioner states that the case was referred during the year 2012 and the enquiry is yet to be completed and on account of the pendency of the disciplinary proceedings, the writ petitioner is unable to get the service benefits including the promotion. Thus, the writ petitioner is constrained to move the present writ petition.

3. Undoubtedly, the disciplinary proceedings initiated must be concluded at the earliest possible. Early disposal of the disciplinary proceedings are to be construed as a valid grievance as far as the delinquent officials are concerned. In the event of allowing the pendency of disciplinary proceedings, the promotional opportunities to those employees are curbed and therefore, the early disposal of the disciplinary proceedings are certainly a concern to the authorities as well as to the delinquent officials. Taking note of these aspects, this Court is of an opinion that large number of cases are now referred to the Tribunal for disciplinary proceedings. Limited Tribunals are functioning in the State of Tamil Nadu. The very few Senior I.A.S. Officers are appointed to conduct Trial in all such disciplinary cases. They require some more time for the disposal of these cases.

4. This, apart the delinquent officials, as well as the departmental presiding officers are prolonging and protracting the matters by not producing the documents or by not co-operating with the presiding officers of the Tribunal for disciplinary proceedings. All these aspects cannot be brushed aside by this Court, while granting such a direction to complete the proceedings at the earliest point of time. The difficulties, infrastructural deficiencies and non-cooperation of the delinquent officials are to be considered, while issuing direction to the Tribunal by the Constitutional Courts.

5. Issuing a simple direction, fixing the time limit may be an easier job. However, it would be very difficult on the part of these senior officials to conclude all such proceedings within the time stipulated. In the event of not concluding the proceedings, within the time limit prescribed by this Court, then the next move of the delinquent officials would be to file another writ petition to quash the entire proceedings. If these serious allegations are buried on account of the such procedural difficulties, this Court is certainly afraid that the culprits will be escaped from the clutches of law. Constitutional Courts cannot be a tool for such escapism from the clutches of law and all such officials, who all are responsible and liable for such offences and misconducts must be punished by following the procedures as contemplated under the Conduct Rules and Discipline and Appeal Rules.

6. This being the principles to be followed, it is as simple as giving a direction to the Tribunal for disciplinary proceedings. However, the Constitutional Courts are bound to consider the practical difficulties and the status as of now prevailing in such Tribunals.

7. The learned Special Government Pleader also brought to the notice of this Court that large number of cases are pending before the disciplinary authorities for want of cooperation. Some of the cases have not been concluded at all.

8. Under these circumstances, this Court would request the Tribunal for the disciplinary proceedings to take up the TDP.Case.No.18/2012 at the earliest possible and dispose of the same as expeditiously as possible. It is made clear that the writ petitioner should extend his fullest co-operation with the Tribunal for disciplinary proceedings for the earlier disposal of the departmental disciplinary proceedings.

9. Accordingly, the writ petition Stands disposed of. No costs.

06.02.2019

Speaking Order  
Index : Yes  
Internet : Yes  
Kmm/kak

To

The Commissioner,  
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5/1842/A Trichy Road,  
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**S.M.SUBRAMANIAM, J.**

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