

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.4646 of 2018
& W.M.P.Nos.5728 & 5729 of 2018

R.Vanidasan

... Petitioner

Vs

- 1.The Director of Employment and Training,
Guindy Chennai-32.
2. The Regional Joint Director,
Chennai-32.
3. The Principal,
Government Industrial Training Institute,
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the entire records relating to the proceedings in 1st respondent Proc.No.45656/OP2/2017, dated 29.12.2017 and quash the same.

For Petitioner : Mr.C.Veeraraghavan

For Respondents: Mr.A.M.Thamidurai
Special Government Pleader

O R D E R

The order of suspension dated 29.12.2017 is sought to be quashed in the present writ petition.

2. The writ petitioner was appointed as Junior Assistant in Government Industrial Training Institute, Ulundurpet and thereafter promoted to the post of Assistant. On account of certain allegations, the departmental and disciplinary proceedings were initiated and the writ petitioner is under suspension in proceeding dated 29.12.2017.

3. The grievances of the writ petitioner is that he made certain complaints against the irregularities in the Industrial Training Institute and on account of certain personal vengeance, departmental and disciplinary proceedings were initiated against him.

4. The learned Special Government Pleader disputed the contention by stating that the writ petitioner has not obeyed the order of administrative transfer issued to him and thereby committed a misconduct and therefore, the authorities competent instituted the disciplinary proceedings against the writ petitioner.

5. This Court is of an opinion that the charges are capable of being enquired into and therefore, early disposal of the disciplinary proceedings are certainly essential. On initiation of departmental proceedings, the Disciplinary Officer must keep in mind that the said proceedings are to be concluded within a reasonable period of time and without causing any undue delay. Delay in disciplinary proceedings would cause prejudice to the interest of the delinquents also. The delinquents will be deprived of their service benefits, more specifically during the pendency of the departmental disciplinary proceedings.

6. This being the effect of pendency of disciplinary proceedings, the authorities competent must ensure that on initiation of the disciplinary proceedings, the same is concluded within a reasonable period of time. The suspension order impugned in the present writ petition was issued on 29.12.2017 and almost one year and two months have lapsed. Thus, the respondents are directed to proceed with the departmental disciplinary proceedings, conclude the same and pass final orders as expeditiously as possible and without causing any undue delay.

7. The learned counsel for the writ petitioner states that the subsistence allowance as applicable has not been paid to the writ petitioner. The respondents are bound to pay the subsistence allowance in accordance with the Rules without any delay. If the subsistence allowance has not been paid to the writ petitioner, the same shall be paid to the writ petitioner without any further laps of time. If the subsistence allowance is not paid to the writ petitioner then it is a ground for vitiation of the entire disciplinary proceedings. Thus, the respondents are directed to pay the subsistence allowance during the pendency of the departmental disciplinary proceedings.

8. The writ petitioner is also directed to cooperate for the early disposal of the disciplinary proceedings, in the event of non-cooperation on the part of the writ petitioner, the same

shall be recorded in the proceedings itself by the enquiry officer and by the disciplinary authority.

9. With these directions, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are also closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ska/tta

To

- 1.The Director of Employment and Training,
Guindy Chennai-32.
2. The Regional Joint Director,
Chennai-32.
3. The Principal,
Government Industrial Training Institute,
Thiruvannamalai.

+1 cc to The Government Pleader, SR.No.11809

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& 5729 of 2018

CSL/19.03.2019

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