

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.08.2019**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

AND

THE HONOURABLE Ms.**JUSTICE P.T.ASHA**

W.A.No.2213 of 2019

- 1 STATE OF TAMILNADU
REP BY ITS THE PRINCIPAL SECRETARY TO
GOVERNMENT CO-OPERATION FOOD AND CONSUMER
PROTECTION DEPARTMENT
SECRETARIAT CHENNAI - 600009
- 2 THE REGISTRAR OF COOPERATIVE
SOCIETIES NO.170 PERIYAR E.V.R.HIGH ROAD
KILPAUK CHENNAI - 600010 ... appellants

Vs

K.VELUSAMY ... respondent

Writ Appeal filed to set aside the order dated.02.01.2019 in WP no.32561/2018.

For appellant : Ms.Narmatha Sampath, Addl. Advocate General,
Assisted by Mr.L.P.Shanmugasundaram, Spl.G.P.

For Respondent : Mr.M.Ravi

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The learned single Judge issued a Mandamus by order dated 2 January 2019 in W.P.No.32561 of 2018 to give promotion to the respondent, within a period of two weeks, subject to the result of the

pending disciplinary proceedings initiated against him. The said order is the subject matter of this intra court appeal.

2. The disciplinary proceedings initiated against the respondent was quashed by the learned Single Judge by order dated 20 March 2014 in W.P.No.32143/2014. The said order was set aside by the Division Bench by judgment dated 24 July 2018 in W.A.No.1029 of 2016. The Division Bench directed the appellants to conclude the enquiry within a period of six months. Since enquiry was not completed within the cut off period, the respondent filed a writ petition in W.P.No.32561 of 2018 to promote him forthwith without prejudice to the disciplinary proceedings. The learned Single Judge, taking into account the pendency of the disciplinary proceedings even after the expiry of the period prescribed by the Division Bench, allowed the writ petition.

3. When this appeal came up for hearing earlier, we directed the Government to conclude the enquiry by taking up proceedings on a day to day basis and conclude it on or before 30 August 2019.

4. The Government pursuant to the direction issued by this Court, concluded the enquiry and imposed the punishment of censure on the respondent. The order in G.O.(2D) No.51, Cooperation, Food and Consumer Protection (CE2) Department, dated 27 August 2019, shall form part of the records.

5. In view of the punishment of censure, it would not be possible to direct the appellants to promote the respondent. We are informed that the respondent is due for retirement on 31 August 2019 on attaining the age of superannuation. It is open to the appellant to challenge the order dated 27 August 2018, if he is so advised.

6. The order dated 2 January 2019 on the file of the writ court is set aside. In short, the appeal filed by the State is allowed. No costs. Consequently, C.M.P.Nos.14673 and 15374 of 2019 are closed.

(K.K.SASIDHARAN, J.) (P.T. ASHA, J.)

30.08.2019

Index: Yes/no
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K.K.SASIDHARAN, J.

and

P.T. ASHA, J.

(tar)



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