

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.03.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9076 of 2019

R.Ashokan

..Petitioner

vs

1.State of Tamil Nadu, rep.by its
Secretary to Government
Transport Department
Secretariat,
Chennai - 600 009

2.The Transport Commissioner
Chepauk, Chennai - 5.

3.The Deputy Transport Commissioner,
Vellore Zone, Vellore - 9.

4.Thiru.M.Jayasankaran,
Inquiry Officer, DTC, Villupuram,
Now working as Joint Transport Commissioner,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents 1 to 3 to permit the petitioner to
retire from service on his superannuation without prejudice to
the departmental proceedings.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a
direction to direct the respondents 1 to 3 to permit the
petitioner to retire from service on his superannuation without
prejudice to the departmental proceedings.

2.Though the relief as such is premature, the learned
counsel appearing on behalf of the writ petitioner made a
submission that the disciplinary proceedings initiated against
the writ petitioner in vide Charge Sheet dated 25.11.2016 is
pending as of now.

3.The learned counsel for the petitioner is of an opinion that the enquiry has already been commenced and the authorities must conclude the enquiry and pass final orders atleast before the date of attaining superannuation.

4.This Court is of the considered opinion that on initiation of disciplinary proceedings, the authorities competent must ensure that such proceedings are concluded as early as possible and without any undue delay. The charge memo was issued in proceedings dated 25.11.2016 and it is brought to the notice of this Court that the enquiry officer had already been appointed on 15.03.2018. However, the enquiry officer is yet to commence the enquiry.

5.Under these circumstances, the respondents are bound to proceed with the enquiry by affording opportunity to the writ petitioner and conclude the same as expeditiously as possible and preferably before his date of superannuation. However, early disposal of the disciplinary proceedings are subject to the condition that the writ petitioner co-operates for the early disposal of such enquiry. Thus, the petitioner should co-operate for the early disposal of the enquiry and in the event of any non-cooperation, the same also shall be recorded by the authorities competent. In any event, the relief as such sought for in the present writ petition to direct the respondents to permit the petitioner to retire from service cannot be considered at this point of time and it is for the authorities to conclude the enquiry, considering the fact that the writ petitioner is due to retire shortly.

6.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Secretary to Government
Transport Department
Secretariat,
Chennai - 600 009

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2.The Transport Commissioner
Chepauk, Chennai - 5.

3.The Deputy Transport Commissioner,
Vellore Zone, Vellore - 9.

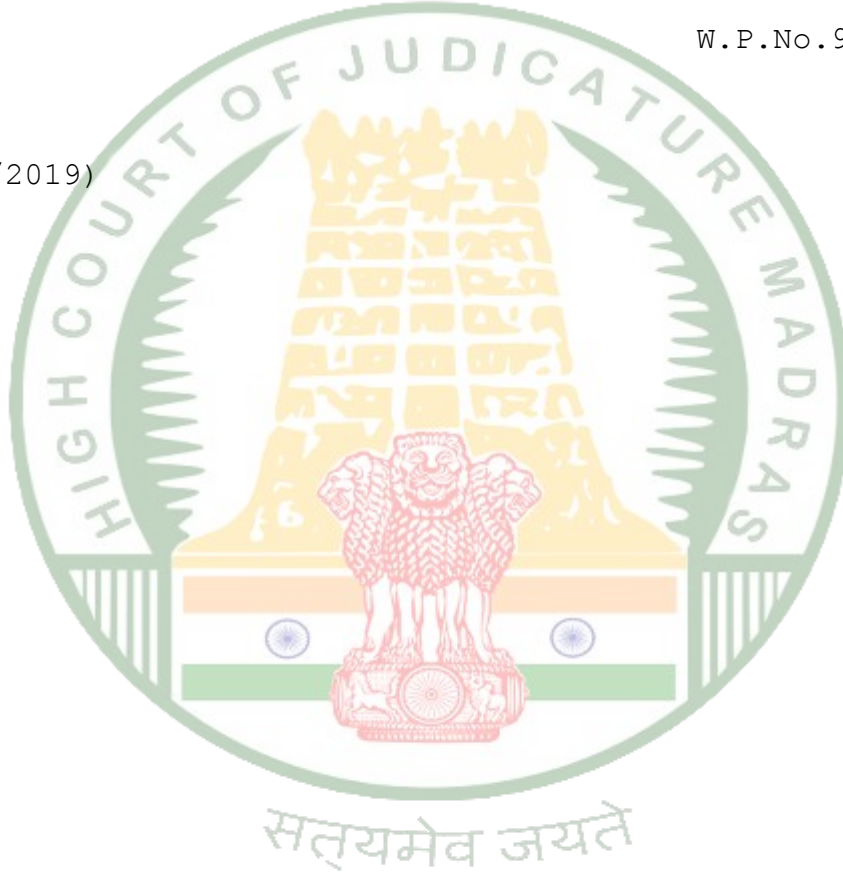
4.Joint Transport Commissioner,
Madurai.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.29866
+1cc to the Government Pleader, S.R.No.31109

W.P.No.9076 of 2019

VSN II (CO)

RRS (16/04/2019)



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