

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.15169 of 2019
and
W.M.P.No.15163 of 2019

Dr.K.B.Sivaprakasam,
Assistant Surgeon,
presently at ESIC Dispensary,
Anna Street, Athur Town,
Salem District.

.... Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare,
Fort St.George, Chennai -9.
2. The Director of Public Health &
Preventive Medicine (DPH & PM),
359, Anna Salai, Chennai-6.
3. The Joint Director (Training),
O/o.Director of Public Health
& Preventive Medicine,
359, Anna Salai, Chennai-6.
4. The Additional Director of Public Health
& Preventive Medicine,
O/o. Director of Public Health &
Preventive Medicine,
359, Anna Salai, Chennai-6.
5. The Deputy Director of Health Services,
Salem.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to conclude the Disciplinary proceedings within the time stipulated by this Hon'ble Court in respect of Charge Sheet dated 29.08.2016.

For Petitioner : Mr.K.Shakespeare

For RR 1 to 5 : Mr. J.Pothiraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to conclude the Disciplinary proceedings within the time stipulated by this Hon'ble Court in respect of Charge Sheet dated 29.08.2016.

2. The petitioner was working as Assistant Surgeon under the control of the first respondent. While he was working at Salem, on 29.08.2016, a charge memo was issued to the petitioner by the fifth respondent containing three articles of charges. The charge memo was issued under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules 1973. In respect to the charge memo, the petitioner submitted his explanation on 26.09.2016. Thereafter, Enquiry Officer was appointed by the second respondent on 10.02.2017. The Enquiry Officer conducted an enquiry into charge memo dated 29.08.2016. On conclusion of enquiry, a report was submitted and a copy of the same was enclosed and furnished to the petitioner alongwith a letter dated 02.06.2018. According to the enquiry report, the petitioner was guilty of charges 1 and 2, and the findings was also accepted by disciplinary authority. The petitioner has submitted his objection to the enquiry report and thereafter, no final order has been passed by the disciplinary authority. Therefore, the petitioner has come up with the present writ petition seeking for issuance of Writ of Mandamus.

3. When the matter is taken up for hearing today, Mr.J.Pothiraj, the learned Special Government Pleader appearing for the respondents would submit that a direction may be issued to the disciplinary authority/second respondent to pass final orders, on the basis of the representation submitted by the petitioner in pursuance of the enquiry report.

4. Since the prayer as sought for in this Writ Petition is limited in scope, this Court in the fitness of things is of the view that the same can be disposed of, as under:

(i)The second respondent/disciplinary authority is directed to pass final orders pursuant to the enquiry report submitted by the enquiry officer, by taking into consideration the objections raised by the petitioner to the enquiry report dated 24.08.2017. The second respondent shall pass final

orders in the disciplinary proceedings within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Health and Family Welfare,
Fort St.George, Chennai -9.
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O/o.Director of Public Health &
Preventive Medicine,
359, Anna Salai, Chennai-6.
5. The Deputy Director of Health Services,
Salem.

+1cc to Mr.K.Shakespeare, Advocate SR.70282
+1cc to the Government Pleader SR.71148

SKV(CO)
CB(22/11/2019)

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