

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.02.2019

CORAM

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

W.P.No.17411 of 2018
and
W.M.P.No.20696 of 2018

A.Badhrachalam ... Petitioner

vs

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.
 - 2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk, Chennai-5.
 - 3.The District collector,
Krishnagiri District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the second respondent vide proceedings No. Service 2(1) / 23440/2013 dated 25.5.13 and to quash the same and consequently direct the respondents to pay all the retirement benefits of the petitioner.

For Petitioner : Mr.S.Vijaya Kumar

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

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O R D E R

The charge memo dated 25.05.2013 is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that though there is an enormous delay in concluding the departmental disciplinary proceedings, two other persons had also involved in

the same incident were already exonerated from the Competent Authorities. Thus, the case of the writ petitioner is considered on the same line. The fact remains that the charge memo issued on 25.02.2013 and the writ petitioner submitted his explanation and thereafter a common enquiry was conducted in respect of the allegations against the employees from various other departments and the Enquiry Officer submitted his report for further consideration based on the enquiry report. The second show cause notice was also issued to the writ petitioner and the writ petitioner had already submitted his objections / explanations on the enquiry report. However, the final report in the disciplinary proceedings is yet to be considered.

3. The learned Special Government Pleader states that the exoneration of other two employees are already admitted in the Counter statement. The case of the writ petitioner is to be considered, based on the earlier orders passed in the disciplinary proceedings.

4. This being the factum, this Court is of an opinion that the respondents / disciplinary authority has to pass final orders in the departmental disciplinary proceedings based on the materials available on record and by considering explanations / objections submitted by the writ petitioner.

5. Accordingly, the respondents are directed to pass final orders in the departmental disciplinary proceedings within a period of 12 weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

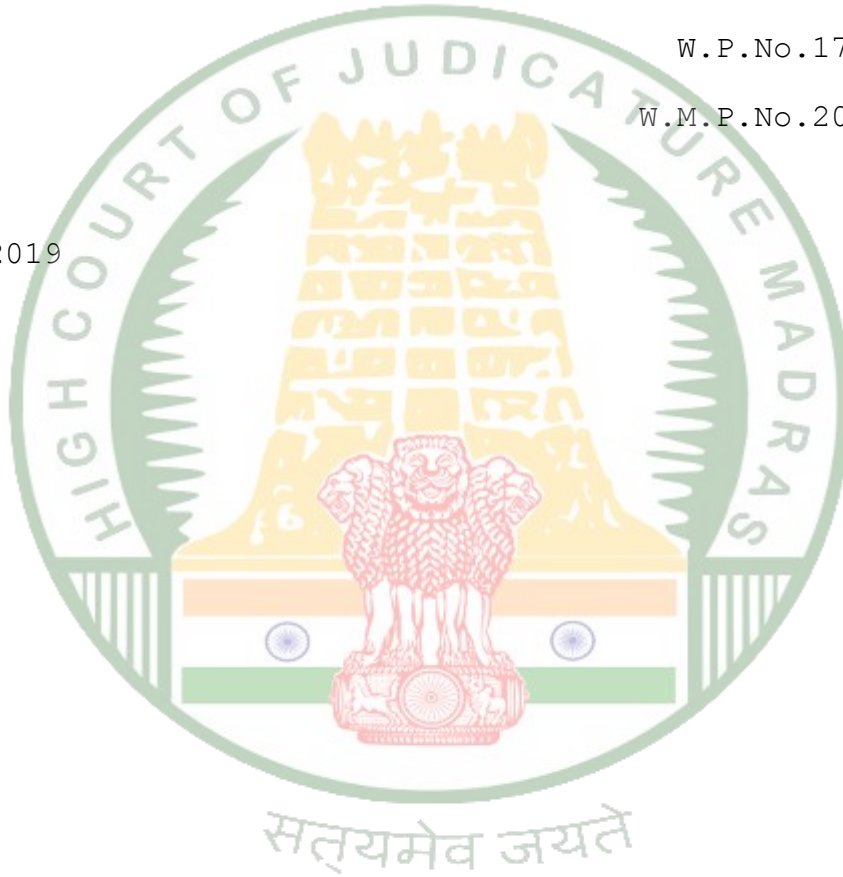
2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk, Chennai-5.

3.The District collector,
Krishnagiri District.

+lcc to Mr.S.Vijayakumar, Advocate Sr.18113
+lcc to the Government Pleader Sr.18905

W.P.No.17411 of 2018
and
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sr 29/03/2019



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