

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 17605 of 2018

S.Chandramohan

... Petitioner

Vs.

1.The Principal Secretary to Government
Home (Transport) Department
Secretariat, Chennai - 600 009.

2.The Transport Commissioner
Ezhilagam, Chepauk
Chennai - 600 005.

3.The Deputy Transport Commissioner
Erode.

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to Charge Memo in Memo R.No. 18223/VC2/2011 dated 31.03.2011 on the file of the second respondent quash the same and direct the respondents to settle all the terminal benefits and the consequential reliefs.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.A.N.Thambidurai [For R1 to R3]
Special Government Pleader

सत्यमेव जयते
O R D E R

The learned counsel for the writ petitioner made a submission that though the present writ petition has been filed challenging the charge memo, the fact remains that the enquiry proceedings had already been completed and the enquiry officer also submitted his final report.

2.The learned counsel for the writ petitioner further states that the writ petitioner is now 69 years old and he is unable to get his retirement and terminal benefits, on account of the pendency of the disciplinary proceedings. The disciplinary proceedings are initiated against the writ

petitioner vide charge memo dated 31.03.2011 and proceeded with the enquiry. The enquiry officer had conducted the enquiry and submitted the final report to the competent authority.

3.It is further contended that the writ petitioner submitted his further explanation dated 19.07.2013 itself. In spite of this, no final order has been passed by the disciplinary authorities in the proceedings. Thus, the writ petitioner is constrained to move the present writ petition.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the materials available on record and pass orders in the departmental proceedings on merits and in accordance with law, within period of six(6) weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed off. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

may a

To

1.The Principal Secretary to Government
Home (Transport) Department
Secretariat, Chennai - 600 009.

2.The Transport Commissioner
Ezhilagam, Chempauk
Chennai - 600 005.

3.The Deputy Transport Commissioner
Erode.

+1cc to Mr. S.Doraisamy, Advocate, S.R.No. 35840
+1cc to the Government Pleader, S.R.No. 36304

W.P. No. 17605 of 2018

AD(CO)
GN(03/05/2019)