

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.26605 of 2019
and
W.M.P.No.25978 of 2019

B.Tamilarasi

... Petitioner

vs

1.The Director of Rural Development,
and Panchayat Raj,
Saidapet, Chennai - 600 015.

2.The District Collector,
Cuddalore - 607 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating the proceedings of the 2nd respondent in Na.Ka.Pa.2/8854/10, dated 26/04/2013 and quash the same thereby direct the 2nd respondent to issue final orders on the enquiry report of Enquiry Officer who has conducted the enquiry on 20/02/2012 on 1st charge memo in the proceedings in Na.Ka.No.PA2/8554/10, dated 201/10/2010.

For Petitioner : Mr. A.R. Nixon

For Respondents : Mrs.R. Janaki,
Additional Government Pleader

ORDER

This petition has been filed to quash the proceedings of the 2nd respondent dated 26/04/2013 and to direct the 2nd respondent to issue final orders on the Report of Enquiry Officer, who has conducted the enquiry on 20/02/2012 on 1st charge memo in the proceedings in Na.Ka.No.PA2/8554/10, dated 201/10/2010.

2.The petitioner was appointed as Steno-typist in the Judicial Department on 08.06.1981 and on transfer of service, she had joined duty in the Rural Development Department and thereafter, was promoted as Block Development Officer. On 20.10.2010, while the petitioner was working as Block Development Officer in connection with constructions of house to beneficiaries under Indira Awaaz Yojana Scheme, she was issued with a charge memo. Based on the explanation given by the petitioner, an enquiry was conducted on 20.02.2012 and during the enquiry, it was found that all the charges framed against the petitioner were held as "Not proved". Pending final orders by the 2nd respondent on the findings of the Enquiry Officer's report, the second charge memo was issued on the same issue on 26.04.2013. Further, the 2nd respondent has not permitted the petitioner to retire from service on 31.12.2017 but placed him under suspension as per his dual orders dated 29.12.2017 on pending charges against her under Rule 17 (b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. The said second charge memo is liable to be quashed. Hence, this Writ Petition has been filed.

3.The learned counsel for the petitioner would submit that the petitioner was issued with a charge memo on 20.10.2010 for the alleged irregularities occurred during the year 2008-2009 and after his explanation, an enquiry was conducted. Thereafter, another charge memo was issued on 26.04.2013 to the petitioner, however, there is unexplained delay of more than eight years in disposing the said disciplinary proceedings. Further, the fact remains that at the time of retirement, the petitioner was not allowed to retire from service and that the petitioner was placed under suspension on 29.12.2017 and further, the petitioner was retained on 30.12.2017 invoking Section 56 of the Fundamental Rules. He would further submit that for the very same facts, another charge memo was issued on 26.04.2013 and there is absolutely no justification for the second charge memo.

4.Considering the facts and circumstances of the case and there is absolutely no justification for the second charge memo, this Court directs the 2nd respondent to complete the enquiry to claim the relief of the petitioner within a period of eight weeks from the date of receipt of a copy of this order and pass appropriate orders.

With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The Director of Rural Development,
and Panchayat Raj,
Saidapet, Chennai - 600 015.

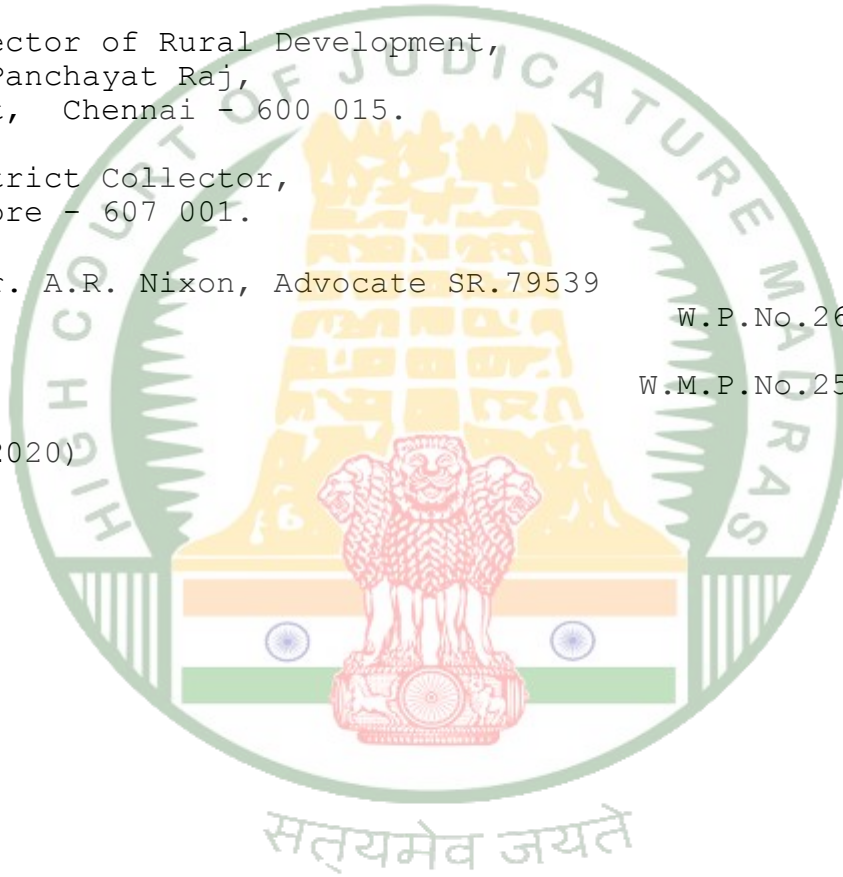
2.The District Collector,
Cuddalore - 607 001.

+lcc to Mr. A.R. Nixon, Advocate SR.79539

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BP(CO)
CB(18/02/2020)



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