

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 30391 of 2019

M. Manoharan

... Petitioner

Vs.

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

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the First Respondent to pass final order upon the enquiry conducted under charge memorandum dated 03.05.2012 vide Memo No.3327/2011/PA-1.

For Petitioner : Mr. K. Bhasker

For Respondents : Mrs. R. Janaki
Additional Government Pleader

O R D E R

This writ petition has been filed by the Petitioner, praying for the issuance of a Writ of Mandamus, directing the First Respondent to pass final order upon the enquiry conducted under charge memorandum dated 03.05.2012 vide Memo No.3327/2011/PA-1.

2. Heard the learned counsel appearing for the Petitioner and the learned Additional Government Pleader appearing for the Respondents.

3. The case of the Petitioner is that he joined as Junior Assistant in the year 1996 in the First Respondent Department and subsequently promoted as Assistant. In the year 2000, while

he was working as Assistant (Accounts) at West Arani Block Development Office, Thiruvannamalai District in the year 2011, there was an inspection conducted by the Additional Director of Rural Development, Chennai, on 07.03.2011 and the Second Respondent subsequently, for certain alleged irregularities, contemplating disciplinary action under 17(b) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules issued show-cause notice dated 11.05.2011, calling for explanation for six alleged misconducts.

4. Thereafter, the Petitioner also submitted his explanation on 19.05.2011 and just one month prior to his superannuation he was issued with charge memo and initiated departmental enquiry and later the Petitioner was suspended from service vide orders dated 29.06.2012 by the Second Respondent. In the mean time, the Petitioner attained the age of superannuation on 30.06.2012. The grievance of the Petitioner is that as regards the other delinquents, who were also charged with certain irregularities, the enquiry was conducted and final orders were passed, whereas in respect of the Petitioner though he made several representations to complete the enquiry and pass final orders since he attained the age of superannuation and longing for terminal benefits, enquiry proceedings were not finalized and no final orders have been passed despite his representation. Therefore, the Petitioner is before this Court.

5. The learned counsel appearing for the Petitioner while reiterating the averments mentioned in the affidavit filed in support of the writ petition, would submit that the Petitioner made a representation on 03.05.2012 to the Respondents, praying to finalize the enquiry and pass final orders since the Petitioner had already attained age of superannuation and his terminal benefits have to be settled, the Respondents have not passed any orders so far.

6. The learned counsel appearing for the Petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the Respondents to pass final order upon the enquiry conducted in respect of charge memorandum dated 03.05.2012 and to pass appropriate orders.

7. The learned Additional Government Pleader appearing for the Respondents would submit that if such direction is given, the Respondents would comply with the same by considering the representation made by the Petitioner in accordance with law.

8. Considering the facts and circumstances and the submissions made by the learned counsel appearing for the Petitioner and in view of the fact that the representation made by the Petitioner dated 03.05.2012 has been kept pending, the First Respondent is directed to consider and dispose of the same in accordance with law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Rural Development
and Panchayat Raj,
Panagal Maligai, Saidapet,
Chennai - 600 015.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

+lcc to Mr. K. Bhasker, Advocate sr.89127
+lcc to Government Pleader SR.NO. 89684

W.P. No. 30391 of 2019

vgii(co)
nr 13/12/2019

WEB COPY