

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.33032 of 2019

M.Pushpalatha

.. Petitioner

Vs.

1.The District Collector
Kancheepuram District
Kancheepuram.

2.The District Collector
Chengalpattu District
Chengalpattu.

3.The Commissioner of Revenue
Administration
Chepauk, Chennai - 5

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pass orders on the disciplinary proceedings initiated by the 1st respondent in Na.Ka.No.17036/2018/A3 dt 10.11.18 within a stipulated time.

For Petitioner : Mr.R.Venkatramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Ms.M.Lalitha
Government Advocate

सत्यमेव जयते
O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to pass orders on the disciplinary proceedings initiated by the 1st respondent in Na.Ka.No.17036/2018/A3 dated 10.11.18 within a stipulated time.

2. By consent of both the parties, the Writ Petition has been taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that her father, who was service as an Office Assistant in the Revenue Department of the Kancheepuram District, died while he was in service. Thereafter, the petitioner was appointed as Junior Assistant on compassionate grounds by the orders of the District Collector, Kancheepuram in the year 1993.

4. In the year 1998, the service of the petitioner was regularized and her probation was declared and promoted as Assistant. Subsequently, by following the rule and reservation and seniority, the petitioner was promoted as Deputy Tahsildhar in the year 2010. Thereafter, in the year 2012 the petitioner was further promoted as Tahsildhar in Kancheepuram District. The petitioner would submit that she has become due for promotion as Deputy Collector by recruitment by transfer of service in the panel of the year 2018 - 2019. However, her name was not included on the ground that the estimated vacancies were reduced considerably in the last minute, thereby she could not get herself promoted.

5. During the relevant point of time, an allegation has been made against the petitioner and the Directorate of Vigilance and Anti-corruption was directed to conduct a detailed enquiry and submit a report. The appropriate authority has found that the allegation against the petitioner has been held substantiated and has directed to proceed against the petitioner departmentally and issued an order. On 10.11.2018, the petitioner was issued with a charge memo containing as many as two charges.

6. Thereafter, the Enquiry Officer conducted an enquiry and submitted a report on 03.07.2019 to the Disciplinary Authority stating that the second charge has been proved against the petitioner. On 22.08.2019, the petitioner was furnished with the copy of the Enquiry Report and directed to submit her explanation. On 05.09.2019, the petitioner submitted a detailed representation to the 1st respondent for the Enquiry report. However, till date the disciplinary proceedings was not concluded. Therefore, present Writ Petition has been filed.

7. Mr.R.Venkatramani, learned Senior Counsel would submit that the petitioner has entered into the service in the year 1993. All these years the petitioner is having unblemished service in her record. However, the petitioner was issued with a charge memo containing two charges. Out of the two charges, one charge was proved by the Enquiry Officer for which the petitioner made a detailed explanation on 05.09.2019. However, till date the disciplinary proceedings against the petitioner is

not concluded. Therefore, he would pray this Court to issue direction to the 1st respondent to consider the explanation of the petitioner dated 05.09.2019 and conclude the disciplinary proceedings within a reasonable time.

8. Heard the counsel and perused the records.

9. Considering the facts and circumstances of the case, and the limited request made by the learned Senior counsel appearing for the petitioner, I am inclined to issue direction to the 1st respondent to consider the explanation of the petitioner dated 05.09.2019 and conclude the disciplinary proceedings pending against her within a period of six weeks from the date of receipt of a copy of this order.

10. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Kancheepuram District
Kancheepuram.

2.The District Collector
Chengalpattu District
Chengalpattu.

3.The Commissioner of Revenue
Administration
Chepauk, Chennai - 5

+1cc to Mr.M.Muthappan, Advocate sr.98334
+1cc to Government Pleader SR.NO. 98973

W.P.No.33032 of 2019

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