

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.03.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.30032 of 2018

T.Sangeetha Ex LT CDR

...Petitioner

Vs

1. Director of Ex-Servicemen's Welfare,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.
 2. The Joint Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.
 3. Major V.S.Jayakumar, (RETD)
Joint Director,
Enquiry Officer,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the 3rd respondent to complete the enquiry as ordered the 1st respondent in her proceedings in Proc.No.1346/2018/E5 dated 18.03.2018 in accordance with law within a reasonable time.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.R.S.Selvam,
Govt. Advocate for R1 & R2

O R D E R

The relief sought for in the present writ petition is to direct the 3rd respondent to complete the enquiry as ordered the 1st respondent in her proceedings in Proc.No.1346/2018/E5 dated 18.03.2018, in accordance with law and within a reasonable period of time.

2. The learned counsel for the writ petitioner states that the charge memo was issued by the Authority in proceeding dated 06.02.2018. The writ petitioner had

submitted her explanations denying the allegations on 20.02.2018. The Enquiry Officer was appointed by the first respondent in proceeding dated 18.03.2018. There was an enormous delay on the part of the Disciplinary Authority in proceedings with the enquiry and under those circumstances, the writ petitioner was constrained to file the present writ petition, seeking the relief for earlier disposal of the departmental disciplinary proceedings. Long pendency of the disciplinary proceedings are causing prejudice to get the service benefits.

3. The learned Government Advocate appearing on behalf of the respondents states that the Authorities Competent are willing and ready to proceed with the enquiry, conclude the same and pass final orders within a period of two months. Last two enquiry hearings, the writ petitioner had not appeared and therefore, the writ petitioner now cannot claim the Authorities for the delay in concluding the disciplinary proceedings.

4. However, the fact remains that, Enquiry Officer was appointed in proceeding dated 18.03.2018 and the disciplinary proceedings are now pending for about one year. This being the factum, the respondents are directed to proceed with the enquiry proceedings, conclude the same and pass final orders in the departmental disciplinary proceedings, within a period of 3 months from the date of receipt of a copy of this order.

5. The writ petitioner is directed to co-operate for earlier disposal of the departmental disciplinary proceedings and in the event of non-cooperation on the part of the writ petitioner, the same shall be recorded by the Enquiry Officer in the proceeding as well as by the Disciplinary Authority concerned.

6. With these directions, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS iii)
//True Copy//

Sub Assistant Registrar

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To

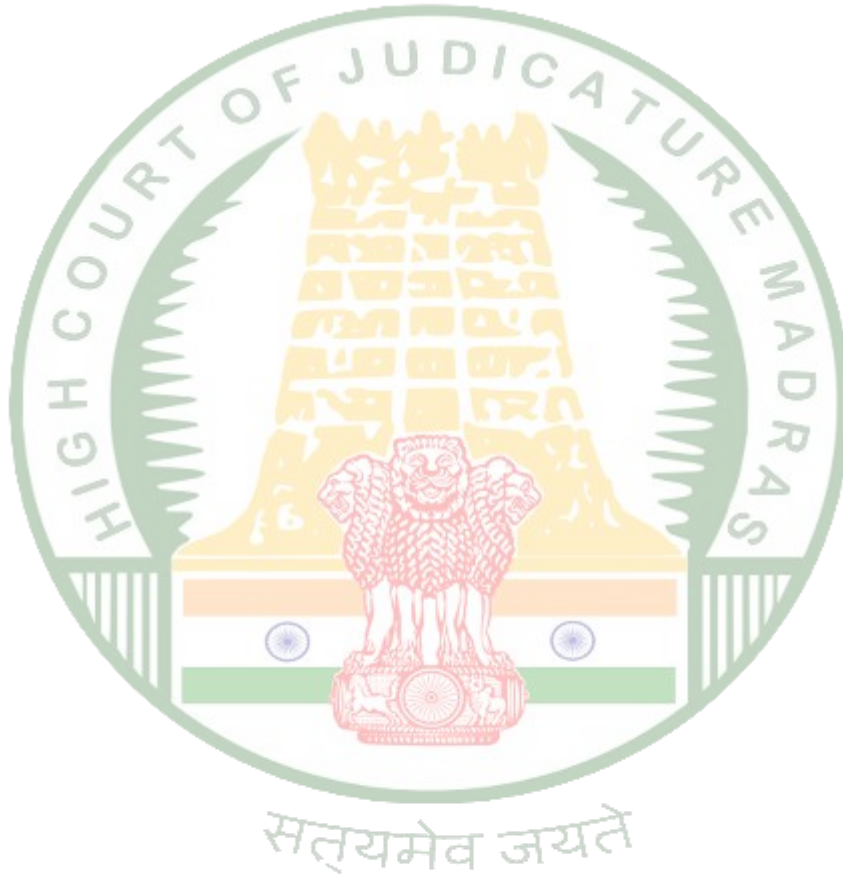
1. Director of Ex-Servicemen's Welfare,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.

2. The Joint Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.

+1cc to Mr.R.Neelakandan , Advocate SR.No. 28636
+1 cc to Government Pleader SR.NO. 29146

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A.SK(27/04/2019)



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