

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.03.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30399 of 2018
and
W.M.P.No.35488 of 2018

K.Selvaraj

..Petitioner

..vs..

1.The Deputy Director of Health Services,
Tiruvarur.

2.Dr.Rani Muthulakshmi,
Block Medical Officer,
Government Primary Health Center,
Royapuram, Tiruvarur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No.285/A1/2018 dated 13.10.2018, quash the same.

For Petitioner : Mr.V.Chandrasekaran
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

The relief as such sought for in the present writ petition is to quash the notice issued by the Enquiry Officer, calling the writ petitioner to attend the enquiry proceedings on 24.10.2018 at 11.00 am.

2. The learned counsel appearing on behalf of the writ petitioner states that undoubtedly, there is a delay on the part of the writ petitioner in submitting explanations. However, the petitioner submitted a request application to extend time for submission of detailed explanation on the charge memo. In view of the fact that the extension petition was submitted within the time limit, the Competent Authority would have considered the same. Contrarily, the Competent Authority appointed an Enquiry Officer on the very next day by fixing the date of enquiry for the writ petitioner to participate in the enquiry.

3. The learned counsel for the writ petitioner states that the writ petitioner is willing to co-operate for the earlier disposal of the disciplinary proceedings and the petitioner is ready to participate in the enquiry process in order to defend his case by producing documents and by adducing evidences, if required. The only grievance of the writ petitioner is that extension time sought for, by the writ petitioner to submit his explanations/objections on the charge memo has not been granted.

4. This Court is of an opinion that the application seeking extension of time was filed within the time limit prescribed in the charge memo. This being the fact, the writ petitioner is directed to submit his explanations within a period of two weeks from the date of receipt of a copy of this order. On receipt of the explanations / objections, if any from the writ petitioner, the respondents are at liberty to proceed with the disciplinary proceedings and conclude the same, as expeditiously as possible.

5. It is made clear that the writ petitioner should co-operate for the earlier disposal of the enquiry proceedings and in the event of any non co-operation on the part of the writ petitioner, the same shall be recorded in the enquiry proceedings as well as by disciplinary authority.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Deputy Director of Health Services,Tiruvarur.

2.Dr.Rani Muthulakshmi,
Block Medical Officer,
Government Primary Health Center,
Royapuram, Tiruvarur District.

+1 cc to Government Pleader SR.NO. 29710

+1cc to Mr.V.Chandrasekaran , Advocate SR.No. 28409

W.P.No.30399 of 2018

and

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A.SK(25/04/2019)