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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) Nos.13401 to 13404 of 2017

WMP (MD) Nos.10461 to 10468 of 2017

M.Kamaraj	...	Petitioner in WP (MD) No.13401 of 2017
M.Balamurugan	...	Petitioner in WP (MD) No.13402 of 2017
S.Muthuramalingam	...	Petitioner in WP (MD) No.13403 of 2017
P.Mani	...	Petitioner in WP (MD) No.13404 of 2017

Vs.

1.The State Represented by
The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
The Commissionarate of
Municipal Administration,
Chennai - 600 005.

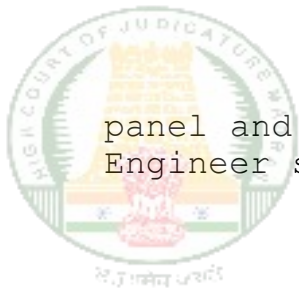
3.The Commissioner,
The Madurai Municipal Corporation,
Madurai - 625 002.

4.The Enquiry Officer/
Regional Executive Engineer,
Office of the Regional Director of
Municipal Administration (RDMA),
Thanjavur.

5.K.Pandurangam,
The Enquiry Officer,
Regional Executive Engineer,
Office of the Regional Director of
Municipal Administration (RMDA),
Thanjavur.

... Respondents in all Wps

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of 3rd respondent charge memo in proceeding vide JNS/39458/08 dated 26.03.2019. In service Enquiry report of 4th respondent vide Executive Engineer, RDMA Thanjavur Letter No.2053/2015/E1, dated 08.12.2015 and quash the same and direct the respondents prepare promotion



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panel and promote the petitioner to the post of Assistant Executive Engineer strictly in accordance with service rules.

For Petitioner : Mr.Rajakarthikeyan
For Respondent : Mr.V.Anand,
Nos.1, 2 & 4 Government Advocate
For Respondent : Mr.R.Murali
No.3
For Respondent : No appearance
No.5

in all WPs

COMMON ORDER

These writ petitions have been filed seeking to quash the charge memo issued by the 3rd respondent vide proceedings JNS/39458/08 dated 26.04.2011 and the enquiry report of the 4th respondent and to direct the respondents to prepare promotion panel and promote the petitioners to the post of Assistant Executive Engineer strictly in accordance with Service Rules.

2.Heard both sides.

3. The case of the petitioners is that in the earlier round of litigation, this Court in WP(MD)Nos.7549 and 7550 of 2015 by order dated 30.04.2015 directed the authorities to complete the disciplinary proceedings against the petitioners and pass orders on the same on merits and in accordance with law, preferably within a period of six months from the date of receipt of a copy of the order. The respondents were further directed to conduct the enquiry on day to day basis. The enquiry report was furnished to the petitioners, who in turn have given their respective written explanations on 05.04.2015 itself. Despite the same, no final orders came to be passed. Hence, these writ petitions.

4.The learned Counsel appearing for the 3rd respondent submitted that the writ petitioners filed the present writ petitions, which caused the delay in completing the disciplinary proceedings.

5.Though the prayer made in these writ petitions are to quash the charge memo and the enquiry report, the learned Counsel for the petitioners confined the same to the extent of seeking a direction to the respondents to pass final orders in the disciplinary proceedings by fixing an outer time limit. Such prayer is also agreed by the learned Government Advocate and the learned Counsel appearing for the 3rd respondent.

6.Under such circumstances, the petitioners are directed to submit their explanations to the respondents, within a period of two weeks from the date of receipt of a copy of this order and the respondents are directed to consider the same and thereafter, pass appropriate orders on the disciplinary proceedings, by considering



each and every aspect of the explanations given by the petitioners, on merits and in accordance with law within period four weeks therefrom, without causing any further delay.

7. These writ petitions are disposed of, on the above terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

1. The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
The Commissionerate of
Municipal Administration,
Chennai - 600 005.
3. The Commissioner,
The Madurai Municipal Corporation,
Madurai - 625 002.
4. The Enquiry Officer/
Regional Executive Engineer,
Office of the Regional Director of
Municipal Administration (RDMA),
Thanjavur.

+1CC TO MR. RAJA KARTHIKEYAN, Advocate Sr. No. 54689

ORDER MADE IN
WP (MD) Nos. 13401 to 13404 of 2017
15.03.2019

TR (22.04.2019) 3P 6C