



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No.16282 of 2019

M. Murugan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Theni District,
Theni.

3. The Revenue Divisional Officer,
Periyakulam,
Theni District.

... Respondents

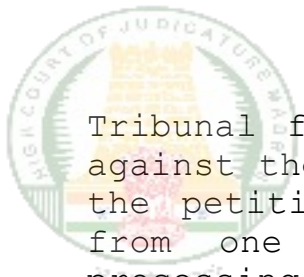
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to pass final orders on the Disciplinary Proceedings initiated by the Tribunal for Disciplinary Proceedings, Madurai, vide Charge Memo dated 16.11.2009, in Roc.No.A-1/620/2009 (TDP No.48/2008), within a time frame to be fixed by this Court.

For Petitioner	: Mr.R.Subramanian
For Respondents	: Mr.A.Muthukaruppan Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to pass final orders on the Disciplinary Proceedings initiated by the Tribunal for Disciplinary Proceedings, Madurai, vide Charge Memo dated 16.11.2009, in Roc.No.A-1/620/2009 (TDP No.48/2008), within a time frame to be fixed by this Court.

2. According to the petitioner, he joined the services of the first respondent as a Village Administrative Officer and rendered more than 24 years of unblemished service. While so, the first respondent vide letter dated 24.11.2008, directed the



Tribunal for Disciplinary Proceedings, Madurai, to frame charges against the petitioner and the Tribunal has framed charges against the petitioner on 16.11.2009 alleging that he demanded Rs.500/- from one L.Manoharan, for giving his Village accounts for processing the transfer of Patta. The petitioner contested the proceedings. Ultimately, the Tribunal, by order dated 24.09.2012, discharged the petitioner from the charges holding that there was no iota of evidence to show that the petitioner demanded money. The first respondent sent a notice calling for the petitioner's comments on the report, without enclosing a copy of the report. Hence, the petitioner requested the first respondent to furnish a copy of the report and after receiving the same, the petitioner submitted a detailed reply dated 05.07.2013 and thereafter, the first respondent has issued a letter dated 29.05.2013 seeking further explanation and the petitioner has also submitted his explanation on 14.09.2013. But, till date, no final order is passed. While so, the third respondent has refused to permit the petitioner to retire from service on reaching the age of superannuation citing the pendency of the above proceedings. Now, even after expiry of 6 years from receiving replies dated 05.07.2013 and 14.09.2013, the first respondent has not passed any order. Hence, the petitioner has submitted several representations to the first respondent to pass final order. But, till date, no order is passed.

3.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the third respondent has sent the records to the first respondent and now, the same is pending before the first respondent.

4.Considering the limited scope of the matter, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the first respondent to pass final orders in TDP No.48 of 2008, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Theni District, Theni.

3.The Revenue Divisional Officer,
Periyakulam,
Theni District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate SR-78406.

+1 CC to SPL GP SR-78514.

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CS(08.08.2019) 3P 6C