

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION Nos.22945 and 22948 of 2019

ORDER:

These writ petitions are disposed of at the stage of admission with the consent of both the parties.

Heard Mr.P.V.Ramana, learned counsel for petitioners and the learned Government Pleader for Forest.

Since the issue raised in these writ petitions is one and the same, they are being disposed of by this common order.

For the sake of convenience, the facts in W.P.No.22945 of 2019 are discussed hereunder :-

W.P.No.22945 of 2019 is filed seeking the following relief :-

“.....to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the respondents in not finalizing the Departmental Proceedings initiated by the 1st Respondent in Rc.No.255/ 2017/ M4(1) dated 20.2.2017 by issuing Articles of Charge, inspite of submitting the report by Enquiry Officer in the month of April 2018 as illegal and arbitrary and violative of Articles 14 and 21 of the Constitution of India and contrary to the Circular instructions issued by the Government and consequently direct the respondents to forthwith finalize the departmental proceedings by passing orders.....”.

It has been contended by the petitioner that he worked as Deputy Range Officer and retired from service on attaining the age of superannuation on 30.04.2018. While the petitioner was discharging his duties, the 1st respondent initiated disciplinary proceedings against the petitioner by issuing a charge memo on 20.02.2017. Thereafter, the petitioner has submitted an explanation to the said charge memo. Not satisfied with the explanation submitted by the petitioner, the 1st respondent has appointed an

Enquiry Officer to conduct enquiry. The Enquiry Officer after conducting detailed enquiry submitted a report in the month of April, 2018. But, so far, the respondents have not passed any orders on the disciplinary proceedings said to have been initiated against the petitioner and the petitioner is not in a position to receive pension and pensionary benefits.

Learned counsel appearing for the petitioners submits that appropriate orders be passed in the writ petition directing the 1st respondent to conclude the disciplinary proceedings initiated against the petitioners within a reasonable period of time preferably within a period of three months, so as to enable the petitioners to receive pension and pensionary benefits.

Learned Government Pleader appearing for the respondents has contended that since the Enquiry officer has submitted a report during April, 2018, the 1st respondent would conclude the disciplinary proceedings initiated against the petitioners within a period of three months.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 1st respondent to conclude the disciplinary proceedings said to have been initiated against the petitioners within a period of three months from the date of receipt of a copy of this order.

With the above observations, the writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 22-10-2019
Prv

