

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P No.1007 of 2020

K.Kousalya

Petitioner

vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.

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

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conclude the departmental proceedings initiated against the petitioner vide charge memo dated 30.06.2011 within a period of 2 months and to further hold that the departmental proceedings shall lapse for failure to conduct enquiry within the time stipulated.

For Petitioner : Mr.V.Vijayashankar

For Respondents: Mr.P.Selvakumar
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to conclude the departmental proceedings that was initiated against the petitioner in the year 2011 within a time fixed by this Court.

2.The case of the petitioner is that she joined the service as a Junior Assistant in the year 1976 and later she was promoted as Executive Officer and also reached the selection grade. The petitioner attained superannuation on 31.05.2009 and she was permitted to retire without prejudice to the outcome of the charge memo that was issued against her.

3.A formal charge memo came to be issued in the year 2011 by the 2nd respondent for certain occurrences which are said to

have taken place in the year 2006 when the petitioner was working as Executive Officer, Nelliyalam Grade-III Municipality. The petitioner had challenged the charge memo before this Court by filing a writ petition in W.P.No.18753 of 2013. Initially the writ petition was entertained and interim stay was also granted by this Court. Subsequently, when the writ petition came up for final hearing, based on the representation made by the respondent that final orders will be passed in the departmental proceedings, the petitioner had withdrawn her writ petition on 25.06.2015.

4.The grievance of the petitioner is that till date no final orders have been passed in the departmental proceedings and it has been kept pending for the last eight years. The petitioner left with no other alternative has approached this Court seeking for appropriate directions.

5.Heard Mr.V.Vijayashankar, learned counsel appearing on behalf of the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing on behalf of the respondents.

6.It is seen from records that the petitioner was permitted to retire from service without prejudice to the charge memo issued against her. The charge memo was issued in the year 2011 and till date the departmental proceedings have not been concluded and the petitioner is now aged about 68 years. The petitioner had withdrawn the earlier writ petition only with the fond hope that the respondent will pass final orders in the departmental proceedings. The withdrawal happened in the year 2015 and unfortunately till date there is no progress and final orders have not been passed in the departmental proceedings.

7.In view of the above, there shall be a direction to the respondents to pass final orders in the departmental proceedings that has been initiated against the petitioner within a period of eight weeks from the date of receipt of copy of this order. If no final orders are passed within the time stipulated by this Court, the charge memo will stand abated and consequently the petitioner will be entitled for all consequential benefits. This condition is imposed only to ensure that the orders are passed by the respondents within the time stipulated by this Court. The petitioner is directed to make a fresh representation to the respondents along with the copy of this order.

8.This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.

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

+1 cc to M/s.V.Vijay Shankar,Advocate Sr.No.4211

+1 cc to The Government Pleader Sr.No. 4744

AKM/26.02.2020/3P-5C /

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