

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

W.P.No.8126 of 2020
and
W.M.P.Nos.9650 & 9651 of 2020

B.Stalin

...Petitioner

Vs.

- 1.The Block Educational Officer,
Senthurai Block,
Senthurai Educational District,
Ariyalur District - 621 714.
- 2.The District Educational Officer,
Senthurai, Ariyalur District - 621 714.
- 3.The Chief Educational Officer,
Ariyalur District, Ariyalur - 621 704.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to complete the enquiry into the charge memo dated 27.02.2019 issued by the second respondent having Ref.No.Na.Ka.No.3394/Aa5/2018 to the petitioner under Rule 17(b) (i) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules within a time frame to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram,
Sr.counsel
for Ms.C.Uma

For Respondents : Mr.P.Raja, Govt.Advocate

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed with the following prayer:

"To direct the second respondent to complete the enquiry into the charge memo dated 27.02.2019 issued by the second respondent having Ref.No.Na.Ka.No.3394/Aa5/2018 to the petitioner under Rule 17(b)(i) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules within a time frame to be fixed by this Court".

3.The petitioner was appointed as a B.T. Assistant in the Panchayat Union Middle School, Tulukampalayam, K.Paramathi Block, Karur District. He was placed under suspension on 29.01.2019, under the provisions of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, pending issuance of charge memorandum against him. Thereafter, on 27.02.2019 a charge memorandum was issued for certain acts of misconduct of the petitioner. According to the petitioner, he has been asking for furnishing of certain documents in order to defend himself and in that regard protracted correspondence has been going on between him and the administration. In any event, eventually it happened that the charge memorandum issued as early as on 27.02.2019 has not progressed at all, as claimed by the petitioner herein. Therefore, the petitioner is before this Court seeking a direction to complete the enquiry in pursuance of the charge memorandum dated 27.02.2019.

4.Mr.P.Raja, learned Government Advocate, entered appearance for the respondents, after notice.

5.The learned Government Advocate appearing of the respondents would submit that he would have no objection if a reasonable time is fixed for completion of enquiry proceedings against the petitioner. In fact, he would submit that at least six months' time is required for completion of enquiry proceedings, in view of the present situation.

6.This Court finds that the request of the petitioner appears to be fair and proper. It appears that the petitioner has been corresponding with the respondents for a considerable length of time, seeking for some documents and it also appears

that the delay in not proceeding with the enquiry is partially attributable to the petitioner. Whether the petitioner is justified in approaching the competent authority for a long time, regarding non-furnishing of certain documents sought by him, or not, considering the Covid-19 situation prevailing in the State of Tamil Nadu, this Court feels that six months' time is fair enough for the respondents to complete the enquiry.

7. In the above circumstances, the respondents are directed to complete the Enquiry Proceedings in pursuance of the charge memorandum dated 27.02.2019, issued by the second respondent in Na.Ka.No.3394/Aa5/2018, within a period of six months from the date of receipt of copy of this order. On completion of the enquiry proceedings, the findings of the enquiry may be furnished to the petitioner forthwith. The respondents are expected to afford reasonable opportunity to the petitioner to put forth his defence in respect of the charges framed against him.

8. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrm/msk

To

1. The Block Educational Officer,

Senthurai Block,
Senthurai Educational District,
Ariyalur District - 621 714.

2. The District Educational Officer,

Senthurai, Ariyalur District - 621 714.

3. The Chief Educational Officer,

Ariyalur District, Ariyalur - 621 704.

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