

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.10566 of 2020

P.Santhi

...Petitioner

.Vs.

1. The Commissioner of Social Welfare,
Panagal Building,
Saidapet,
Chennai-600 015

2. The Director cum Mission Director,
Integrated Child Development Scheme,
Taramani,
Chennai.

3. The District Project Officer,
Integrated Child Development Scheme,
Tirunelveli

...Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Mandamus, directing the first respondent to pass final orders on the disciplinary proceedings initiated against the petitioner in Proceedings Na.Ka.No.8936/Nir 5(3)/2018, dated 21.03.2018, within a stipulated period of time.

For Petitioner : Mr.R.Prem Narayanan

For Respondents : Mr.J.Ramesh, Additional
Government Pleader

O R D E R

The matter is taken up through web hearing.

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

"To direct the first respondent to pass final orders on the disciplinary proceedings initiated against the petitioner in

Proceedings Na.Ka.No.8936/Nir 5(3)/2018, dated 21.03.2018, within a stipulated period of time.

3.The petitioner was working as Child Development Project Officer, Kadayam Block, Thirunalveli District. She was placed under suspension by the second respondent on 17.03.2018, in contemplation of disciplinary action against her. Thereafter, the first respondent issued a charge memorandum dated 21.03.2018, containing four articles of charges, under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal Rules). The substance of the charges against the petitioner was that being a Project Officer, she had the habit of ill-treating her subordinates, using unsavoury language and also was taking illegal gratification in discharge of her official duties. The petitioner appeared to have submitted a representation on 29.09.2018, denying the charges. Thereafter, an Enquiry Officer was appointed on 19.11.2018 and on completion of enquiry against the petitioner, a report was submitted on 03.5.2019, holding charges, 1, 3 and 4 as proved against the petitioner and second charge was held not proved.

4.In the meanwhile, the petitioner appeared to have challenged the charge memorandum on 21.03.2018, before the Madurai Bench of this Court in W.P.(MD).No.3241 of 2019 and the Writ Petition is pending and no interim order was passed in the Writ Petition. In such circumstances, the enquiry, which was initiated into the charges has been completed and the petitioner has also submitted her representation. The grievance of the petitioner is that she was to reach her age of superannuation on 31.05.2020 and the pending disciplinary proceedings was affecting her livelihood and causing severe hardship. Therefore, she is before this Court seeking direction to the respondents to pass final orders on the disciplinary proceedings, in pursuance of the charge memorandum dated 21.03.2018.

5.Notice was ordered in the Writ Petition and Mr.J.Ramesh, learned Additional Government Pleader entered appearance for the respondents.

6.On instructions, the learned Additional Government Pleader would submit that a direction as sought in the writ petition may be issued stipulating a reasonable time and the same would be complied with by the respondents.

7.In view of the above narrative and particularly taking into consideration the limited scope of the prayer, there shall be a direction as under.

The first respondent is directed to pass final order on the disciplinary proceedings initiated against the petitioner, in pursuance of the charge memorandum dated 21.03.2018, on merits

and in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The first respondent is also directed to take into consideration the explanation given by the petitioner to the charge memorandum as well as to the enquiry report, before passing the final order.

The writ petition is disposed of as indicated above. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Social Welfare,
Panagal Building,
Saidapet, Chennai-600 015
2. The Director cum Mission Director,
Integrated Child Development Scheme,
Taramani, Chennai.
3. The District Project Officer,
Integrated Child Development Scheme,
Tirunelveli.

+1 cc to M/s.P.Prem Narayan, Advocate Sr.No. 27334

W.P.No.10566 of 2020

vsn ii (co)
rr ii (11/09/2020)

सत्यमेव जयते

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