



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5403 of 2020

R.Subburaj

...Petitioner

Vs.

1.The Principal Secretary to Government,
Dairying and Fisheries Department,
Secretariat,
Chennai - 600 009.

2.The Director of Fisheries,
Integrated Animal Husbandry and Fisheries Building,
Nandanam,
Chennai - 600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents / Principal Secretary to Government, Dairying and Fisheries Department, Secretariat, Chennai and the Director of Fisheries, Integrated Animal Husbandry and Fisheries Department, Nandanam, Chennai, to dispose off the disciplinary action within a specified time, considering the pitiable situation that it has been kept pending indefinitely right from 2001 ie., for a period of 19 years within a specified time frame.

For petitioner

: Mr.S.Visvalingam

For respondents

: Mr.K.Mu.Muthu,

Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The learned counsel for the petitioner submitted that the petitioner, while serving as Junior Engineer, attained the age of superannuation on 31.03.2012. But, he was not permitted to retire from service, showing the pendency of a disciplinary proceedings dated 03.08.2001. The petitioner submitted his explanation denying the charges on 15.08.2001. For the occurrence related to the year 1993, disciplinary proceeding has been initiated only in the year 2001 and the petitioner was directed to appear before Enquiry Officer only on 17.01.2006. Thereafter, the enquiry is pending without any progress. Though the petitioner attained the age of superannuation as early as on 31.03.2012, in view of the pendency of disciplinary proceeding, he has not been given any retirement benefits. As the disciplinary proceeding has been pending for about 19 years, he has come up with this writ petition for the aforesaid prayer.



3.The learned Additional Government Pleader appearing for the respondents submitted that the disciplinary proceeding against the petitioner would be disposed of as early as possible, if the same has not been disposed of till date.

4. Considering the above submission of the learned counsel for the petitioner and also considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents to dispose of the disciplinary proceeding initiated against the petitioner in Memo No.Pd1.116/A1/2000, dated 03.08.2001, within a period of twelve weeks from the date of receipt of a copy of this order, if not already disposed of.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gcg

To

1.The Principal Secretary to Government,
Dairying and Fisheries Department,
Secretariat,
Chennai - 600 009.

2.The Director of Fisheries,
Integrated Animal Husbandry and Fisheries Building,
Nandanam,
Chennai - 600 035.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-11740[F] dated 16/03/2020)

+1 CC to M/s.SPL.GP (SR-12020[F] dated 17/03/2020)

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