



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Writ Jurisdiction

Friday, the Eighteenth day of September Two Thousand and Twenty
PRESENT

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The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) . No.7837 of 2020
in
WP(MD) NO. 11657 OF 2018

1. The Additional Chief Secretary,
Rural Development and Panchayat Raj
Department, Secretariat, Fort St.George,
Chennai-600 009
2. The Director, Directorate of Rural Development
and Panchayat Raj, Panagal Buildings, Chennai - 15.
3. The District Collector, Collectorate,
Sivagangai, Sivagangai District.
4. The District Collector, Collectorate,
Thanjavur, Thanjavur District. .. Petitioners/ Respondents

Vs

P.Balaji Sundararajan

.. Respondent/Petitioner

Prayer :-

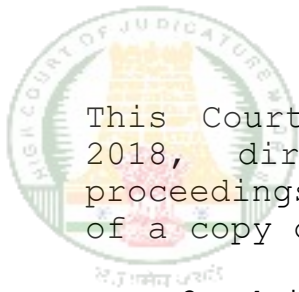
Writ Miscellaneous Petition filed under Article 226 of the constitution of India to grant further period of 6 months to enable the Government to comply with direction issued in WP(MD).No.11657 of 2018 dated 17.7.2018.

Prayer in W.P.(MD).No.11657 of 2018 :-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned charge Memo in Na.Ka.Q1/19013/2017-1, dated 21.05.2018, on the file of the respondent No.3 and quash the same as illegal

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. J. Padmavathi Devi , Special Government Pleader, on behalf of the Petitioners and of Thiru. S. Louis, Advocate for the respondent, this Court made

<https://hccres.ecourts.gov.in/hccservices>



This Court, by an order dated 17.07.2018 in W.P.(MD)No.11657 of 2018, directed the respondents to complete the disciplinary proceedings, within a period of six months from the date of receipt of a copy of this order.

2. Admittedly, the copy of the order was received, as per the affidavit now filed by the third respondent, on 27.03.2019. Therefore, six months period given by this Court was over on 26.09.2019.

3. Within which, if at all the respondents, especially, the third respondent is not able to complete the enquiry i.e., disciplinary proceedings, as directed by this Court, extension of time application should have been filed on or before 26.09.2019 or atleast immediately, after 26.09.2019.

4. However, after 10 months delay, now this petition has been filed before this Court on 29th July, 2020. In this petition, now, the respondent seeks extension of time for further six months. The prayer does not indicate that from which date the six months extension sought for. Normally, if any time bound order is passed and the time is lapsed, on particular date or before such lapse, extension application should be filed and explanation as to why such extension is required and what was done within the said time prescribed by the Court and what progress made towards the compliance of the order, should also have been given in such extension of time petition with necessary justification. Herein the case in hand, extension of time application itself was filed 10 months after lapse of time and in this application, the prayer sought for is six months extension of time can be given and it does not mention that from which date the six months time is sought for.

5. Assuming that if six months time is allowed, the original six months time already granted by this Court, thereafter, 10 months delay in filing extension of time application, altogether 22 months time is required for the third respondent to complete the disciplinary proceedings, even though this Court has directed to complete the disciplinary proceedings, within six months period.

6. The aforesaid narration of facts discloses the cavalier manner adopted by the respondents on the Court order. Since this petition, seeking extension of time should have been filed within the time on or before 26.09.2019, the delay i.e., as to why this petition has been filed on 29.07.2020 with delay after long lapse of time, has to be explained by the third respondent. Hence, explaining the same, an affidavit has to be filed by the third respondent on the next hearing date.



7. Post the matter on 28.09.2020.

Sd/-

Assistant Registrar (crl.side)

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/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector, Collectorate,
Sivagangai, Sivagangai District.
2. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai
(SR.No.17513).

Copy to:

1. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai
(Post on 28.09.2020)
2. The Additional Chief Secretary,
Rural Development and Panchayat Raj
Department, Secretariat, Fort St.George,
Chennai-600 009
3. The Director, Directorate of Rural Development
and Panchayat Raj, Panagal Buildings, Chennai - 15.
4. The District Collector, Collectorate,
Thanjavur, Thanjavur District.

ORDER DATED : 18/09/2020

Hearing Date : 28/09/2020

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ORDER

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WMP(MD). No.7837 of 2020

in

WP(MD) NO. 11657 OF 2018

Giving direction and etc.

as stated within.

KB(21.09.2020) 3P 7C