

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.09.2020****CORAM:****THE HONOURABLE MR. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 10975 of 2020**

A. Azhagappan

... Petitioner

Vs.

1. The Director,
The Directorate of Town Panchayat,
Kuralagam,
Chennai-108.
2. The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
3. The Executive Officer,
Special Grade Town Panchayat,
Kanyakumari.
4. The Enquiry officer,
Assistant Director of Panchayat,
Sivagangai.

... Respondents

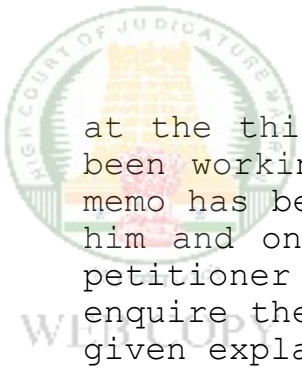
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to conclude the departmental proceedings pending in letter No. 3107/2014-2/A10 dated 15.04.2016 within a time frame fixed by this Court.

For Petitioner	:	Mr. T. S. Mohamed Mohideen
For R1, R2 and R4	:	Mr. K. Mu. Muthu, Additional Government Pleader
For R3	:	Mr. Aayiram K. Selvakumar Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents herein to conclude the departmental proceedings pending in letter No. 3107/2014-2/A10 dated 15.04.2016 within a time frame fixed by this Court.

<https://hcservices.court.gov.in/hcservices/>
The petitioner initially appointed as a Sanitary worker in the year 1995 and he worked in that capacity till 2008. Thereafter, he was promoted as Junior Assistant / Bill Collector on 25.08.2008



at the third respondent Special Grade Town Panchayat, where he has been working as such till date. While so, on 15.04.2016, a charge memo has been issued against the petitioner seeking explanation from him and on that charge memo, a communication has been sent to the petitioner that the enquiry officer will be appointed who will enquire the matter. Pursuant to the charge memo, the petitioner had given explanation to the charge memo on 18.05.2016.

3. Therefore, the enquiry though commenced, moves like a snail and till date, the enquiry is not yet completed. As a result, the petitioner is suffering for the past four years and the petitioner's promotion and career are getting defeated because of the pendency of the disciplinary proceedings. Therefore, the petitioner approached this Court and seeks the relief of Writ of Mandamus by way of this Writ Petition.

4. Heard Mr. T.S. Mohamed Mohideen, learned counsel for the petitioner, who would submit that, since for the past four years, the enquiry has been pending without any considerable progress, the petitioner is suffering a lot and therefore, a time bound direction may be given that the enquiry may be directed to be completed by the enquiry officer within a time frame to be fixed by this Court.

5. Heard, Mr. K. Mu. Muthu, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and Mr. Aayiram K. Selvakumar, learned Standing Counsel appearing for the respondent No. 3.

6. The learned counsel appearing for the respondents, on instructions, would submit, that the enquiry though was commenced in the year 2018, so far, three times, the enquiry was conducted that was on 09.11.2018, 23.07.2019 and 27.03.2020, some progress though has been made in the enquiry, it is not yet completed. However, within a reasonable time, the enquiry will be completed and a second opportunity to the petitioner would be given to the petitioner after the enquiry officer's report is filed.

7. Considering the facts of the case and having regard to the submissions made on either side, this Court is inclined to dispose of this writ petition with the following orders:

"that the respondents, especially the respondents 3 and 4 shall complete the enquiry / disciplinary proceedings pending against the petitioner pursuant to the issuance of the charge memo dated 15.04.2016 within a period of three months from the date of receipt of a copy of this order, within which, final order shall also be passed, after giving a second opportunity to the petitioner, on furnishing the enquiry officer's report. Therefore, the enquiry officer shall complete his enquiry and give a report within a period of two months from the date of receipt of a copy of this order. At any rate, within a outer limit of three months, the enquiry should be completed and final orders shall be passed by the



disciplinary authority".

8. With this directions, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director,
The Directorate of Town Panchayat,
Kuralagam, Chennai-108.
2. The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
3. The Executive Officer,
Special Grade Town Panchayat,
Kanyakumari.
4. The Enquiry officer,
Assistant Director of Panchayat,
Sivagangai.

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-16052[F] dated 07/09/2020)

+1 CC to M/s.GP (SR-16339[F] dated 09/09/2020)

W.P. (MD) No.10975 of 2020
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AP(29.10.2020) 3P 7C