



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11061 of 2020

(Through Video Conferencing)

N.Rajathi

... Petitioner

Vs.

1.The Principal Secretary to Government
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
17 College Road, Thousand Lights West,
Thousand lights,
Subba Road Avenue,
Nungambakkam, Chennai.

3.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first and second respondents ie., the Principal Secretary to Government, School Education Department, Chennai and the Director of School Education, Chennai to pass appropriate orders on the disciplinary action initiated against the petitioner in R.C.No.7213/W1/E2/2015 dated 16.02.2015 which was subsequently mentioned in R.C.No.46496/W1/E2/2016 dated 27.06.2017 as 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the Director of School Education, Chennai, within a specified time frame that may be fixed by this Court.

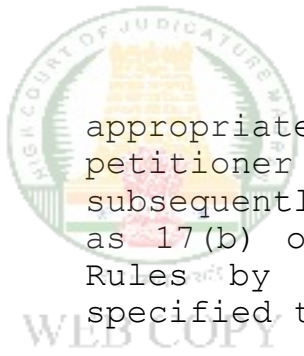
For Petitioner : Mr.S.Visvalingam

For Respondents : Mrs.S.Srimathy

Special Government Pleader

ORDER

The prayer in the writ petition is for issuance of a writ of mandamus to direct the first and second respondents ie., the Principal Secretary to Government, School Education Department, Chennai and the Director of School Education, Chennai to pass



appropriate orders on the disciplinary action initiated against the petitioner in R.C.No.7213/W1/E2/2015 dated 16.02.2015 which was subsequently mentioned in R.C.No.46496/W1/E2/2016 dated 27.06.2017 as 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the Director of School Education, Chennai, within a specified time frame that may be fixed by this Court.

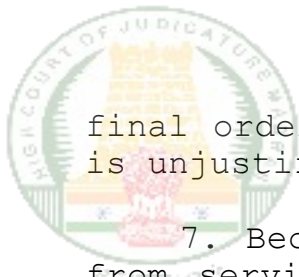
2. The petitioner was last serving as Headmistress of Government Higher Secondary School, Krishnankovil. Due to superannuation on 30.06.2017, the petitioner had to retire, but she was permitted to retire without prejudice to the charges and pendency of the disciplinary proceedings against her by the proceedings of the Director of School Education. In this regard, on 16.02.2015, a charge memo had been issued against the petitioner originally under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, later, it was mentioned as 17 (b) charges. Be that as it may, in the said disciplinary proceedings initiated against the petitioner, enquiry was conducted, the Enquiry Officer also has given his report and based on the Enquiry Officer's report, a copy of the same has been furnished to the petitioner and the petitioner also, on receipt of the same, has given her remarks/defence. Despite all these taken place, no final order is passed by the disciplinary authority and therefore, for all these time, the said disciplinary proceedings has been kept pending. In view of the said pendency of the disciplinary proceedings, the petitioner is not able to get his retiral benefits, though she was permitted to retire on superannuation as stated above. Therefore, seeking a mandamus to pass a final order on the said disciplinary proceedings, which has already reached the final stage, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. The learned Special Government Pleader for the respondents would submit that, in view of the said completion of the disciplinary proceedings, certainly, final order by the disciplinary authority would be passed within a time frame to be stipulated by this Court.

5. I have considered the said submissions made by the learned Special Government Pleader for the respondent and have perused the materials placed before this Court.

6. Admittedly, the disciplinary proceedings has already been commenced and enquiry was completed and report of the Enquiry Officer also was given, based on which, second show cause notice was given, for which, reply was also given by the petitioner. When all these things had happened in the year 2018, for the past two years, keeping the disciplinary proceedings pending, without passing a



final order by the respondents, who are the disciplinary authority, is unjustifiable.

7. Because of this pendency, though the petitioner had retired from service, resultantly, the petitioner is not able to get her retiral benefits also.

8. In that view of the matter, this Court is inclined to dispose of the writ petition with the following order:

"that the respondents, especially, the first respondent is hereby directed to pass orders on the disciplinary proceedings initiated against the petitioner, by issuance of charge memo dated 16.02.2015, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Depending upon the outcome of the disciplinary proceedings, final order to be passed and since the petitioner has been allowed to retire without prejudice to the charges, disbursement of retiral benefits to the petitioner can also be decided accordingly".

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Principal Secretary to Government
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
17 College Road, Thousand Lights West,
Thousand lights,
Subba Road Avenue,
Nungambakkam, Chennai.



3.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

WEB COPY

+1 CC to M/s.GP (SR-16348[F] dated 09/09/2020)

W.P. (MD) No.11061 of 2020
07.09.2020

SGS (CO)
TR(05.11.2020) 4P 5C