



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.15825 of 2020

C.Murugesan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009

2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to pass final orders in the disciplinary proceedings pending against the petitioner within a reasonable time.

For Petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.M.Jayakumar

Additional Government Pleader

O R D E R

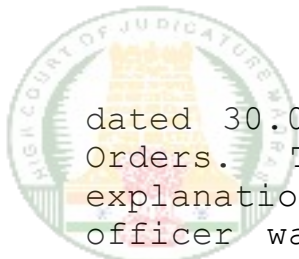
The Writ Petition is filed seeking a direction to the first respondent to pass final orders in the disciplinary proceedings pending against the petitioner within a reasonable time.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that he was appointed as Bill Collector and joined service on 16.06.1983 and after promotion, he was working as Commissioner. While being so, on the date of superannuation, ie. on 30.04.2018, he was served with a charge memo, dated 27.04.2018 issued by the second respondent and he was

<https://hcservices.ecourts.gov.in/hcservices/> served with the suspension order by the first respondent,



dated 30.04.2018, which is in gross violation to the Government Orders. Thereafter, the petitioner submitted his detailed explanation to the second respondent, on 15.02.2019. An enquiry officer was appointed by the second respondent and the enquiry officer submitted his report on 10.06.2019 to the second respondent holding that the charges framed against the petitioner were not proved. But, the Disciplinary Authority namely, first respondent by letter dated 14.11.2018, disagreeing with the findings of the enquiry officer held that the second charge is partially proved and called for further explanation from the petitioner. Again, the petitioner had submitted his further explanation to the first respondent on 20.12.2019. Since the final order has not been passed so far, the present Writ Petition is filed before this Court.

5. The learned Additional Government Pleader appearing for the respondents submitted that the explanation submitted by the petitioner, dated 20.12.2019, would be considered on merits and in accordance with law, within a time frame as fixed by this Court.

6. Considering the nature of the relief as sought for by the petitioner and as agreed by the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, without going into the merits of the case, the first respondent is directed to take up the case for final disposal based on the explanation submitted by the petitioner dated 20.12.2019 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ls/pm



To

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009

2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.

+1 CC to SGP (SR-21932[F] dated 11/11/2020)

+1 CC to Mr.R. RENGARAJAN, Advocate (SR-21807[F] dated
11/11/2020)

W.P (MD) No.15825 of 2020
10.11.2020

CK(CO)

KM (23.11.2020) 3P 5C