

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
WRIT PETITION No.17318 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“... to issue order or direction more particularly one in the Writ of Mandamus to declare the action of the respondents in not concluding disciplinary action against the petitioner arising out of the charge memo Rc.No.255/ 2017/ M4 dated 20/ 02/ 2017 as illegal, arbitrary and consequentially direct the 3rd respondent to pass final orders in a time frame on the Final Notice Rc.No. 255/ 2017/ M4 dated 25/ 09/ 2018 taking into consideration the explanation dated 05/ 11/ 2018.....”.

Heard Sri K.R.Sinivas, learned counsel appearing for the petitioner and the learned Government Pleader for Services-I appearing for the respondents.

It has been contended by the petitioner that he is working as Deputy Range Officer in the Forest Department and for certain alleged misconduct, the disciplinary authority had initiated disciplinary proceedings by issuing a charge-memo dated 20.02.2017, to which he has submitted a detailed explanation on 21.06.2018 denying the said charges. Thereafter, a regular departmental enquiry was conducted and after completing the enquiry, the Enquiry Officer has submitted a report, basing on which, the disciplinary authority had issued a show-cause notice along with enquiry officer's report on 25.09.2018. Pursuant to the same, he has submitted his objections/ explanation on 05.11.2018.

The grievance of the petitioner is that though the disciplinary proceedings have been initiated, so far, the disciplinary authority is not taking any steps to conclude the disciplinary proceedings and pass appropriate orders in accordance with law.

Therefore, learned counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within a period of three months from the date of receipt of a copy of this order.

Learned Government Pleader appearing for the respondents has contended that since the disciplinary proceedings are pending before the disciplinary authority, the disciplinary authority would take appropriate steps to conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within a period of three months from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents to conclude the disciplinary proceedings initiated against the petitioner and pass appropriate orders in accordance with law within a reasonable period of time, preferably within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

05.10.2020
Prv

