

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1377 of 2021  
(Heard through VC)

B.Selvam  
Assistant Executive Engineer,  
(under Suspension)  
Tiruchirappalli City Municipal Corporation,  
Trichy - 620 001. .... Petitioner

-vs-

- 1.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat,  
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,  
No.75, Santhome High Road,  
MRC Nagar, Raja Annamalaipuram,  
Chennai - 600 028.
- 3.The Commissioner,  
Tiruchirappalli City Municipal Corporation,  
Trichy - 620 001. .... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the completed disciplinary proceedings pending with the 1<sup>st</sup> respondent from 06.12.2019 (i.e., for more than 1 year), for no valid and justified reasons, on the representation submitted by the petitioner dated 20.11.2020 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.J.Pothiraj  
Special Government Pleader

## O R D E R

The petitioner has come up with this writ petition seeking a direction to the first respondent to pass appropriate orders on the completed disciplinary proceedings pending with the 1<sup>st</sup> respondent from 06.12.2019 (i.e., for more than 1 year), for no valid and justified reasons, on the representation submitted by the petitioner dated 20.11.2020.

2. Mr.J.Pothiraj, learned Special Government Advocate takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The facts of the case is that the petitioner was working as Assistant Executive Engineer in Tiruchirappalli City Municipal Corporation and then transferred to Villupuram Municipality in the year 2013 on deputation. While working at Villupuram Municipality, he was issued with a charge memo dated 17.09.2018 by the second respondent stating that the petitioner has colluded with another Assistant Engineer for having recorded false measurement against the actual road works carried out. Thereafter, he has been suspended by the third respondent vide proceedings dated 30.08.2019. Though the enquiry was completed and further explanation was also submitted by the petitioner, the first respondent has not finalised the disciplinary proceedings, which is pending from 06.12.2019, (i.e., for more than one year). Hence, the petitioner has submitted representations dated 10.04.2020 and 20.11.2020 to the first respondent to complete the proceedings, but the same is still pending for passing final orders. Hence, the petitioner is before this Court.

4. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the first respondent herein to consider the petitioner's representation dated 20.11.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of ninety (90) days from the date of receipt of a copy of this order and communicate the same to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi  
To

- 1.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat,  
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,  
No.75, Santhome High Road,  
MRC Nagar, Raja Annamalaipuram,  
Chennai - 600 028.
- 3.The Commissioner,  
Tiruchirappalli City Municipal Corporation,  
Trichy - 620 001.

+1cc to Mr.S.N.Ravichandran, Advocate Sr.4661  
+1cc to the Government Pleader Sr.4202

W.P.No.1377 of 2021

rsv[co]  
srg 10/03/2021

सत्यमेव जयते  
WEB COPY