

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1376 of 2021
(Heard through VC)

P.Annadurai

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
- 3.The Commissioner,
Kallakurichi Municipality,
Kallakurichi District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the second respondent to pass final orders in the Disciplinary proceedings initiated against the petitioner on the basis of the Charge Memo in Na.Ka.No.A1/542/2014 dated 14.03.2014 issued by the 3rd respondent, within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the second respondent to pass final orders in the Disciplinary proceedings initiated against the petitioner on the basis of the Charge Memo in Na.Ka.No.A1/542/2014 dated 14.03.2014 issued by the 3rd respondent, within a time frame fixed by this Court.

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 case of the petitioner is that he joined the Tamilnadu Municipal General Service on 10.07.1989. Later he was transferred from Villupuram Municipality to Kallakurichi Municipality as Manager Class-IV and joined duty on 20.09.2013. On 04.12.2014, he preferred a complaint to the Commissioner of Kallakurichi Municipality about the misappropriation of funds by the Junior Assistant of the said office. The Local Fund Audit conducted inspection of records and concluded that a loss of sum of Rs.9,89,322/- was caused to the Kallakurichi Municipality on account of the manipulation done by the said Junior Assistant. On 11.04.2014, the petitioner was received a charge memo in Na.Ka.No.A1/542/2014 dated 14.03.2014 issued by the third respondent, whereby the petitioner was charged with supervisory lapse that had resulted in the loss of revenue to the tune of Rs.9,89,322/- to the Municipality. He submitted an explanation dated 11.04.2014. Thereafter, on 27.10.2017, the second respondent appointed the Joint Director of Municipal Administration (Corporation) as Enquiry Officer to conduct an enquiry with reference to the charges framed against the petitioner. The petitioner was issued with show cause notices by the second respondent, but the result of the enquiry so conducted was not known. Now the petitioner is going to reach the extended age of superannuation in June, 2021 and the Disciplinary proceeding was pending even after the enquiry was over as early as in March, 2019. In this regard, he made a representation dated 21.12.2020 to the second respondent. However, till date, there is no response from the respondents. Hence, this petition.

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 second respondent herein to consider the petitioner's representation dated 21.12.2020, 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.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (VI)

/TRUE COPY/

Sub-Assistant Registrar

rsi

To

- 1.The Secretary to Government,
State of TamilNadu
Municipal Administration and Water Supply Department ,
Fort St.George,
Chennai-600009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005
- 3.The Commissioner,
Kallakurichi Municipality,
Kallakurichi District.

+1CC to Mr.S.Sathia Chandran Advocate, SR.No.4109.

+1CC to The Government Pleader, SR.NO. No. 4593.

RSV(CO)
NRA(17/03/2021)

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