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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NOS.19753 AND 22660 OF 2008

K.Gunasundari

.. Petitioner
in both WPs'

Versus

The Commissioner of Municipal Administration
Municipal Administration Department
Chepauk,
Chennai - 5.

.. Respondent
in both WPs'

PRAYER IN WP NO.19753/2008 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in Proceedings ROC No.8517/07/S2, dated 06.11.2007 and Charge Memo Roc.No.8517/2007/S2 dated 27.01.2008 and quash the same and direct the respondent to restore the petitioner in post with all attendant benefits.

PRAYER IN WP NO.22660/2008 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in Proceedings ROC No.42817/08/S2 dated 28.08.2008 and quash the same and direct the respondent to allow the petitioner to retire with all attendant benefits.

For Petitioner

(in WP No.19753/2008) : Mr.L.Chandrakumar

(in WP No.22660/2008) : Mr.A.M.Packianathan Easter

For Respondent

(in both WPs')

Mr.C.Selvaraj

: Government Advocate
(Civil side)



COMMON ORDER

Challenging the order of suspension issued against the petitioner on 06.11.2007, the petitioner has filed W.P.No.19753 of 2008.

2. During the pendency of the disciplinary proceedings, the petitioner has attained the age of superannuation and she was not permitted to retire from service. Therefore, she filed W.P.No.22660 of 2008 seeking a direction to the respondent to permit her to retire from service.

3. During arguments, it is submitted before this Court that the disciplinary proceedings has reached finality and it is pending for submission of further representation by the petitioner.

4. The learned counsel for the petitioner would vehemently contend that the petitioner has sought for certain documents from the respondent to make her further representation, whereas, it was denied to her. Therefore, she has been made to suffer for more than 13 years without there being any final orders.

5. Per contra, Mr.C.Selvaraj, learned Government Advocate (Civil Side) would contend that the petitioner is prolonging the matter by asking the documents, which are voluminous and therefore, copy of the same cannot be given. Even though she is given permission to take notes from the documents, she is evading to do so. The deliberate prolonging by the petitioner delays passing of final orders.

6. I have considered the submissions made on either side.

7. Admittedly, the voluminous documents cannot be given to the petitioner. But the petitioner can peruse the documents and make an effective representation to the Government to defend herself. Therefore, the right available to the petitioner to peruse all the documents to effectively defend herself shall not be denied. The respondents are duty bound to permit her to peruse the documents relevant to the disciplinary proceedings.

8. Considering the facts and circumstances of the case, both the writ petitions are disposed of with the following directions:-

- a) The respondent is directed to permit the petitioner to peruse the documents relating to her disciplinary proceedings and take



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appropriate notes.

b) The petitioner is directed to submit her further representation within a period of two weeks from the date of perusing the records and documents.

c) On receipt of such further representation, the respondent is directed to pass final orders, after affording, if necessary, an opportunity of personal hearing, within a period of six weeks thereafter.

No costs.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

TK

To

The Commissioner of Municipal Administration
Municipal Administration Department
Chepauk,
Chennai - 5.

+1cc to the Government Pleader, SR.No.29016

WP NOS.19753 AND 22660 OF 2008

SRA (CO)
RLP (26/07/2021)