



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.19978 of 2008

V.Veeramani

...Petitioner

Vs.

1. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai-600 009.
2. The Engineer in Chief W.R.O. &
Chief Engineer (General),
Public Works Department,
Chennai-600 005.
3. The Executive Engineer/PWD,
Thamizhaga Arasu Buildings-
Research Station Division,
Tharamani,
Chennai-600 113.
4. The Executive Engineer/PWD
South Presidency Division,
Chepauk,
Chennai - 600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records in Charge Memo No.C.11(2)/638/2006-26, dated 27.9.2006 passed by the Second Respondent herein and consequently Memo No.Ka.Kaa./210/07/ dated 31.7.2008 on the file of Fourth respondent herein and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.John J.Raja Singh
Government Advocate

O R D E R

The petitioner was working as an Assistant Executive Engineer in the Public Works Department (PWD) and his tenure of



service was due to end on 31.10.2014. He was however placed under suspension on 06.06.1988 and, after a long litigation before the District and Sessions Judge, Dindigul and the Tamil Nadu State Administrative Tribunal, he was reinstated into service on 23.10.2000.

2. The petitioner is alleged to have approached and obtained loans from 10 banks in Coimbatore on the basis of fabricated documents produced in support of the applications for loans. The Oriental Bank of Commerce Main Branch, Oppanakkaran Street, Coimbatore is stated to have colluded, both in the protection of the fabricated documents produced as well as for introducing the services of one Seetharaman, who is stated to have falsely projected himself as an employee of the Public Works Department (PWD), as guarantor to the loans. A First Information Report was filed in B-12 Police Station, Coimbatore on 03.05.2005 and a case was registered in Cr.No.426 of 2005 under Sections 120(B), 419, 420, 465, 467, 471 and 472 of IPC. Investigation is yet on-going. The petitioner was arrested on 04.06.2005 and remanded to judicial custody and a criminal case filed against him before the Judicial Magistrate, Coimbatore, which is stated to be pending.

3. The petitioner was suspended from duty on 04.06.2005 by orders issued in G.O.(2D) No.9 Public Works (E2) Department, dated 06.03.2006 and charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were framed against him by the Engineer in Chief, PWD arrayed as R2 on 27.09.2006. It is the aforesaid charge memo, which is impugned in this writ petition.

4. At this juncture, the prayer of the petitioner to quash the charge memo is not liable to be accepted insofar as the enquiry, both in the disciplinary proceedings as well as before the Criminal Court are on-going. There has been no interim order that has been obtained by the petitioner, pending writ petition and thus both proceedings are alive and on-going.

5. In such circumstances, I am of the view that it would suffice, and in fact be appropriate to order the expeditious completion of the disciplinary proceedings as well as the proceedings before the Criminal Court expeditiously. The disciplinary proceedings shall be computed in accordance with law and in line with the principles of natural justice within a period of six (6) weeks from date of receipt of this order. Criminal proceedings shall be proceeded with and concluded within three months from date of receipt of this order. The petitioner as well as the respondents are directed to co-operate in the process of investigation and enquiry and ensure speedy resolution of the proceedings as aforesaid.



6. With the aforesaid directions, this writ petition is dismissed. Needless to say the fate of the charge memo shall be subject to the decision to be taken in the disciplinary proceedings as well as before the Criminal Court. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

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Chepauk,
Chennai - 600 005.
5. The Judicial Magistrate,
Coimbatore.

+1cc to Government Pleader, Sr.43380

W.P. No.19978 of 2008

RLD[co]
NSK 29/09/2021