

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7773 of 2021

S.Sekar

... Petitioner

-vs-

1. The Principal Secretary,
Government of Tamilnadu,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.

2. The Deputy Secretary,
Government of Tamilnadu,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pass final order on the petitioner representation, dated 19.02.2018, 06.12.2019 and 18.02.2021 in Charge Memo in Na.Ka.No.21725/2015/C3, dated 14.07.2015 within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.M.S.Soundararajan

For Respondents: Mr.J.Pothiraj

Special Government Pleader

सत्यमेव जयते
O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to pass final order on the petitioner representation, dated 19.02.2018, 06.12.2019 and 18.02.2021 in Charge Memo in Na.Ka.No.21725/2015/C3, dated 14.07.2015 within a stipulated period that may be fixed by this Court.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The brief facts of the case are that while the petitioner was working as Revenue Assistant (Bill Collector) at Panruti Municipality on 30.08.2015, a Charge memo dated 14.07.2015 was issued by the Director of Municipal Administration, for which the petitioner has given explanation on 13.08.2015 to the respondent, denying the allegations made against him. Thereafter, when the petitioner was due to retire from service on superannuation, he was not permitted to retire and he was issued with an impugned order of suspension dated 29.06.2016 on the ground that the Charge framed against him was still pending. Hence, the petitioner filed a Writ petition, seeking direction to the enquiry officer to conduct enquiry and to pass final orders on the Charge Memo and this Court by an order dated 11.08.2016, directed the Director of Municipal Administration to appoint an enquiry officer and complete the disciplinary proceedings initiated against the petitioner. Pursuant to the same, the Enquiry officer has been appointed, conducted oral enquiry and the petitioner was called for explanation. However, after submitting several representations with regard to explanation, final decision has not been taken till date. Therefore, the petitioner is before this Court by filing the present Writ petition with the aforesaid relief.

4. Considering the fact that the petitioner has not been received any terminal benefits due to the pendency of the disciplinary proceedings for more than 6 years, and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representations preferred by the petitioner dated 19.02.2018, 06.12.2019 and 18.02.2021, if not disposed of earlier, and pass final orders, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a

later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 19.02.2018, 06.12.2019 and 18.02.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vum

To

1. The Principal Secretary,
Government of Tamilnadu,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.

2. The Deputy Secretary,
Government of Tamilnadu,
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600 009.

+1 CC to Mr.M.S. Soundararajan, Advocate sr 19987
+1 CC to The Government Pleader sr 20147.

W.P.No.7773 of 2021

GPL (CO)
SP(18/05/2021)