



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 13241 of 2021
and W.M.P. No.14045 of 2021

M.Shanmugam

.. Petitioner

Versus

1. The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai - 5.
2. The Additional Chief Secretary to Government,
Home (Transport - II) Department,
Fort St. George, Chennai - 9.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pass orders in the remanded disciplinary proceedings initiated against the petitioner in Memo R.No.27333/TR.II/04-18 dated 12.11.2004 in respect of Charge No.2 within a reasonable time and further direct the respondents to settle the retirement benefits due to him along with interest @ 12% p.a. within a reasonable time and grant such other further relief.

For Petitioner : Mr. M.Alagu Goutham

For Respondents : Mr. C.Kathiravan
Government Advocate

ORDER

This writ petition is filed to issue a writ of mandamus to direct the respondents to pass orders in the remanded disciplinary proceedings initiated against the petitioner in Memo R.No.27333/TR.II/04-18 dated 12.11.2004 in respect of Charge No.2 within a reasonable time and to further direct the respondents to settle the retirement benefits along with interest @ 12% p.a. within a reasonable time.



2. Brief facts that are necessary for disposal of this writ petition are as follows:

The petitioner, while in service, was given a charge memo under Section 17 (b) of TNCS (D&A) Rules. There were three charges against the petitioner. The petitioner submitted his explanation to the charges and an Enquiry Officer was appointed. Based on the records, the Enquiry Officer held that charge Nos 1 and 3 are not proved but charge No.2 was proved. The petitioner submitted his further explanation to the second show cause notice. The second respondent passed an order in tune with the findings of the enquiry officer and imposed a punishment of stoppage of increment for a period of two years with cumulative effect. Hence, the petitioner filed a writ petition in W.P. No.11076 of 2009, challenging the punishment. Though the said writ petition was dismissed, the petitioner preferred a writ appeal in W.A. No.97 of 2014 and the Division Bench of this Court allowed the writ appeal and set aside the order of punishment and remitted the matter to the disciplinary authority in respect of charge No.2. A direction was also issued to the disciplinary authority to decide the matter in accordance with law by conducting proper enquiry.

3. Though the writ appeal was disposed of by order dated 11.11.2014, it is stated by the petitioner that no tangible steps were taken by the respondents to complete the disciplinary proceedings. It is also the case of the petitioner that an Enquiry Officer was also appointed and he submitted a report after conducting enquiry. The grievance of the petitioner is that the petitioner has not been given the enquiry report and no further steps have been taken. Since the second respondent has not initiated further action as required, the petitioner states that he is unable to get the retirement benefits.

4. Having regard to the sequence of events and the fact that the appeal preferred by the petitioner in W.A. No.97 of 2014 was disposed of with a direction to the disciplinary authority to proceed further, the petitioner is put to hardship and that the disciplinary proceeding is pending unnecessarily for a long time. Considering the nature of grievance and facts narrated before this Court, the second respondent is directed to pass final orders on the disciplinary proceedings initiated as against the petitioner as directed by this Court in W.A. No.97 of 2014 dated 11.11.2014, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Principal Secretary /
Transport Commissioner,
Chepauk, Chennai - 5.
2. The Additional Chief Secretary to Government,
Home (Transport - II) Department,
Fort St. George, Chennai - 9.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.29252
+1cc to the Government Pleader, S.R.No.29413

W.P. No. 13241 of 2021

SSN(CO)
PM(27/07/2021)