



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.12.2021

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.16220 of 2019

C.Rajagopal

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Chennai - 600 035.

2. The Administrative Officer,
Tamil Nadu Housing Board,
493, Anna Salai,
Chennai - 600 035.

...Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Charge Memo No.DC4/27885/2013-1 dated 25.09.2013, proceedings of suspension order in memo No.DC4/27885/2013 dated 26.09.2013, and proceedings of not permitted to retire order in PT2/16334/2012 dated 27.09.2013 and quash all the above three proceedings and consequently direct the 1st respondent to sanction all retirement benefits such as gratuity, leave encashment, commutation, all consequential promotional benefits and all other benefits with interest.

For Petitioner .. Mr.P.Ganesan

For Respondents .. Mr.R.Bharat Kumar

ORDER

The petitioner has filed the above Writ Petition praying to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Charge Memo No.DC4/27885/2013-1 dated 25.09.2013, proceedings of suspension order in memo No.DC4/27885/2013 dated 26.09.2013, and



proceedings of not permitted to retire order in PT2/16334/2012 dated 27.09.2013 and quash all the above three proceedings and consequently direct the first respondent to sanction all retirement benefits such as gratuity, leave encashment, commutation, all consequential promotional benefits and all other benefits with interest.

2. The case of the petitioner is that, while he was working as Assistant Executive Engineer, he was issued with the charge memo under Regulation 37(b) of the Tamil Nadu Housing Board Service Regulations, 1969, on the eve of his retirement. Subsequent to the issuance of charge memo on 25.09.2013, the first respondent issued an order of suspension on 26.09.2013 and also issued further orders on 27.09.2013 not allowing the petitioner to retire from service.

3. The petitioner submitted his representations, dated 04.10.2013 and 07.10.2013, against the allegations contained in the charge memo, denying the charges.

4. The grievance of the petitioner herein is that he is disputing the charge memo being issued in 2013 itself and not allowing the petitioner to retire from service in September 2013 itself, the disciplinary action has not been concluded as yet and no final orders have been passed till date.

5. When the petition was taken up for hearing, the learned counsel for the petitioner, though challenged the charge memo and other connected proceedings, would confine his submission contending that a direction may be issued to the respondents to pass final orders in the disciplinary action within the time that may be stipulated by this Court, as the petitioner has attained the age of superannuation on 30.09.2013.

6. This Court, is in consideration of the reasonable request of the learned counsel for the petitioner, for which the learned Standing Counsel for the respondents has no legitimate objection.

7. In the said circumstances, the Writ Petition is disposed of with the directions as under:

(i) The respondents are directed to pass final orders and conclude disciplinary action initiated against the petitioner in pursuance of the impugned charge-memo and conclude the same and final orders be passed within a period of eight weeks from the date of receipt of copy of this order, or on receipt of a web-copy of this order, whichever is earlier.

(ii) The respondents are also directed to communicate the



final orders that will be passed in the disciplinary action forthwith, to the petitioner.

8. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Chennai - 600 035.
2. The Administrative Officer,
Tamil Nadu Housing Board,
493, Anna Salai,
Chennai - 600 035.

+1cc to Mr.P.Ganesan, Advocate, S.R.No.68036

W.P.No.16220 of 2019

BP(CO)
CT 28/03/2022