



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.16379 of 2021

[Video Conferencing]

T. Charles

.. Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home (Pol.IA) Department,
Secretariat, Chennai 600 009.

2. The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore - 641 018.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent herein to conclude the oral enquiry in P.R.No.26/D1/2021 dated 29.04.2021 within a time frame and consequently direct the first respondent herein to pass final orders in P.R.No.26/D1/2021 within a stipulated time.

For Petitioner :Mr.Prem Narayanan
for Mr.Ravi Shanmugam

For Respondents :Mr.S.Arumugam
Government Advocate

ORDER

1. By consent, the writ petition is taken up for final disposal and is disposed of by this order.
2. Mr.S.Arumugam, learned Government Advocate accepts notice on behalf of the respondents.
3. This Writ Petition is filed seeking a direction directing the second respondent herein to conclude the oral enquiry in P.R.No.26/D1/2021 dated 29.04.2021 within a time frame and consequently direct the first respondent herein to pass final orders in P.R.No.26/D1/2021 within a stipulated time.



WEB COPY

4. A perusal of the typed set of documents, in particular, the oral enquiry in P.R.No.26/D1/2021 dated 29.04.2021, would reveal that the petitioner has been charged under 17(b) of Tamil Nadu Civil Service (D&A) Rules, and he was placed under suspension invoking Rule 17 (e) of the Tamil Nadu Civil Service (D&A) Rules.
5. At this juncture, the learned counsel for the petitioner would submit that the charge under 17(b) of Tamil Nadu Civil Service (D&A) Rules can be formulated only by the Government and hence the charge framed against him by the second respondent herein, is without jurisdiction. He further submitted that the pendency of charge would affect his retirement benefits and he is ready to cooperate for early conclusion of the oral enquiry and passing of final orders by the first respondent herein. On the other hand, the complainant and the prosecution are not cooperating for the same. The said charge is established based on the oral enquiry. Hence, he prays to expedite the conclusion of the said oral enquiry within a time frame.
6. Though the petitioner prayed for a larger relief, having regard to the limited scope of the prayer that is now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the case, this Court directs the second respondent to conclude the oral enquiry in P.R.No.26/D1/2021 dated 29.04.2021 within a period of three months from the date of receipt of a copy of this order and thereafter, final order has to be passed within a month.
7. The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Additional Chief Secretary to Government,
Home (Pol.IA) Department,
Secretariat, Chennai 600 009.



2. The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore - 641 018.

3. The Public Prosecutor,
High Court, Madras.

WEB COPY

+1 cc to Government Pleader Sr.No. 39414

W.P.No.16379 of 2021

PMK (CO)

B.VC(23.08.2021)