IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.15749 of 2020

A.Anantharam ... Petitioner

vs.

1. The Government of Tamil Nadu,
represented by Secretary to Government,
Revenue and Disaster Management Department,
Service Wing, Secretariat,
Chennai 600 009.

2. The Tribunal for Disciplinary Proceedings,
Chennai 600 108. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein to finalize the disciplinary proceedings initiated in TDP Case No.4/2019 in A1/134/2019, dated 13/09/2019 in accordance with law and to pass final orders thereon within a limited time frame.

For Petitioner : Mr.S.Balakrishnan,
for Mr.M.Ravi

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

ORDER

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents herein to finalize the disciplinary proceedings initiated in TDP Case No.4/2019 in A1/134/2019, dated 13/09/2019, in accordance with law.

2. According to the Petitioner, while he was on the verge of being empanelled and promoted as District Revenue Officer, all of a sudden, he was placed under suspension by the Respondent herein vide G.O.(2D) No.150, Revenue and Disaster Management Department Services Wing Service II (i) Section, dated 11.05.2018 on the ground that, a regular case has been

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registered against him by the Appropriate Investigating Authority in connection with the possession of alleged unaccounted money of Rs.2,72,160/- during the surprise check conducted by the said Authority. It is further stated by him that, while no criminal case was made out against him, the matter was referred to the Tribunal for Disciplinary Proceedings, Chennai and a Charge Memo was issued against him in TDP Case No.4/2019 in A1/134/2019, dated 13.09.2019, i.e. nearly one year and four months from the date of the order of suspension. The grievance of the Petitioner is that, the said order of suspension was neither reviewed nor revoked. As he is under prolonged suspension, having no other alternative, he has approached this Court.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the Respondent concerned to conduct the enquiry in TDP Case No.4/2019 on a day-to-day basis without adjourning the matter beyond seven working days at any point of time and the Petitioner shall co-operate with the Respondents in the enquiry proceedings. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his Whatsapp phone number and E-mail ID to the Respondents, in order to enable them intimate him about the enquiry proceedings, as, according to the Respondents, he is likely to turn down all the communications to avoid appearing in the enquiry.

6. It is made clear that, if any E-mail is sent by the Respondents to the Petitioner as regards conduct of departmental enquiry, it shall be deemed to be proper service and the Petitioner shall appear for the enquiry without taking a plea that, he has not received any postal communication.

The Writ Petition is disposed of with the above direction and observation. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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AEB

To:

1. The Secretary to Government,
   Government of Tamil Nadu,
   Revenue and Disaster Management Department,
   Service Wing, Secretariat,
   Chennai 600 009.

2. The Tribunal for Disciplinary Proceedings,
   Chennai 600 108.

+1cc to the Government Pleader, S.R.No.17599

W.P.No.15749 of 2020

PMK(CO)
TE (27/04/2021)

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