



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10846 of 2021

WEB COPY

K.Muthukumar

... Petitioner

Vs.

The Director of Tribal Welfare Department,
O/o.The Director of Tribal Welfare Department,
Chepauk,
Chennai-600 005.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to conclude the disciplinary proceeding initiated in pursuant to the charge memo issued by the respondent in his proceedings ந.க.எண்.௭2/355/2018, dated 12.01.2018 proceed with the enquiry and conclude the same within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

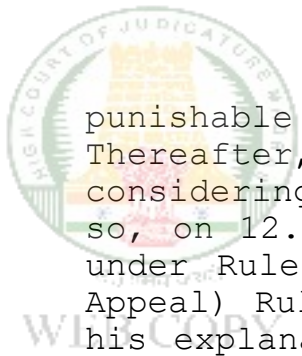
For Respondent : Mr.P.Subbaraj
Government Advocate

ORDER

This writ petition is filed by the petitioner to direct the respondent to conclude the disciplinary proceeding initiated in pursuant to the charge memo issued by the respondent in his proceedings ந.க.எண்.௭2/355/2018, dated 12.01.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. According to the petitioner, he was appointed as P.G.Assistant on 03.11.1997 at Government Adi Dravidar Welfare Higher Secondary School, Poihai Patti, Trichy District. While he had gone to TNSTC Office at Thuraiyur Branch, Trichy District for reserving tickets, some dispute arose. Due to which, a criminal case was registered against him in Cr.No.3/2018 on the file of the Thuraiyur Police Station, Trichy District, for the offences



punishable under Sections 294(b), 323, 353 and 506(i) of IPC. Thereafter, he was placed under suspension on 09.01.2018 and after considering his explanation, he was reinstated into service. While so, on 12.01.2018, a charge memo has been issued by the respondent under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules containing five charges. The petitioner has submitted his explanation on 20.02.2018. Thereafter, the respondent has not taken any action to conclude the disciplinary proceedings, due to which, his name is being deferred from the promotion panel. Pursuant to the charge memo, he was not furnished with any copies of documents relied on the chargememo. Therefore, the petitioner filed a writ petition in W.P(MD)No.16953 of 2019, seeking a direction to the respondent to furnish the list of documents and conclude the disciplinary proceedings. Pending writ petition, the petitioner was assured from the authority that disciplinary proceedings will be concluded within a short span of time. In view of the assurance given by the respondent, the petitioner withdrew the said writ petition. Since the respondent has not passed any orders on the representation, the petitioner has come out with the present writ petition.

4. Mr.P.Subbaraj, learned Government Advocate appearing for the respondent, on instructions, submitted that the respondent is going to appoint an Enquiry Officer in the next week and conclude the disciplinary proceedings within a period of four months.

5. Recording the submission of the learned Government Advocate, without going into the merits of the matter, the respondent is directed to conclude the disciplinary proceedings initiated pursuant to the chargememo, dated 12.01.2018, within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Director of Tribal Welfare Department,
O/o. The Director of Tribal Welfare Department,
Chepauk,
Chennai-600 005.

+1 CC to M/s.SPL GP (SR-21939[F] dated 09/07/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21893[F] dated
09/07/2021)

**W.P. (MD) No.10846 of 2021
08.07.2021**

RC (19.07.2021) 3P-4C