



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.12610 of 2016

and

W.M.P (MD)No.9530 of 2016

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S.Balasubramani

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
O/o. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

2.The Regional Director of Municipal Administration,
O/o. The Regional Director of Municipal Administration,
Thanjavur.

3.The Municipal Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur,
Theni District.

4.The Municipal Commissioner,
Karur Municipality,
Karur, Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned Charge Memorandum issued by the first respondent vide ROC.No.10942/2009/OP4-1 dated 21.11.2011 and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents 1 and 2 : Mr.M.Muthugeethayan
Special Government Pleader

For Respondent No.3 : Mr.M.Karuppasamy Pandian

For Respondent No.4 : Mr.J.Senthil Kumaraiah



O R D E R

Challenging the Charge Memo dated 21.11.2011, issued against the petitioner by the first respondent, this writ petition has been filed.

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2. The learned counsel for the petitioner would submit that the petitioner was issued with charge memo by the first respondent and subsequently, the petitioner has given representations on 25.02.2016 and 17.05.2016 respectively, to the first respondent requesting to conclude the charge memo since he got an acquittal order from the Court on 28.01.2016, however, the said representations are not considered so far, the petitioner has come to this Court. He would further submit that pending writ petition enquiry was completed, however, no final order was passed till date and hence, he requests that it would be suffice, if a direction is issued to the first respondent to conclude the charge memo within a reasonable time that may be fixed by this Court.

3. The learned Special Government Pleader has no serious objection to consider the request made by the petitioner.

4. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the first respondent to conclude the charge memo, dated 21.11.2011, within a reasonable time. Accordingly, considering the fact that the issue was pending from the year 2011 onwards, however, till date not concluded, this Court directs the first respondent to conclude the pending disciplinary proceedings, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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.

To

- 1.The Commissioner of Municipal Administration,
O/o. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 2.The Regional Director of Municipal Administration,
O/o. The Regional Director of Municipal Administration,
Thanjavur.

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-4766
[F] dated 12/02/2021)

+1 CC to SGP (SR-4932[F] dated 15/02/2021)

**W.P. (MD) .No.12610 of 2016
11.02.2021**

KM (01.03.2021) 3P 5C