



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.3571 of 2016

R.C.Mothilal

... Petitioner

Vs.

The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

... Respondent

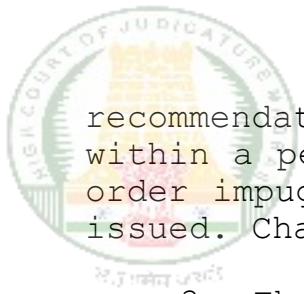
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the respondent relating to initiation of disciplinary proceedings in Government Letter No.19295/Ser./4(1)/2015/3 dated 30.12.2015 and quash the same on the ground of inordinate delay on nine years as per the dictum of the Hon'ble Supreme Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

Challenging the initiation of disciplinary proceedings against the petitioner, dated 30.12.2015, passed by the second respondent, this writ petition has been filed.

2. The learned counsel for the petitioner would submit that the petitioner entered into service through Tamil Nadu Public service Commission in the year 1974 and joined duty as Typist. Out of his hard work, he reached the level of Deputy Tahsildar. While he was working as Deputy Tahsildar in Kodaikanal, he was reached superannuation in the year 2011 ie., on 28.02.2011. However, he was not allowed to retire and he was placed under suspension under Rule 56(1)(c) of the Fundamental Rules, he was retained in service. The said order of suspension was challenged before this Court in writ petition in W.P.(MD).No.3146 of 2011. This Court, by its order, dated 17.03.2011 issued a direction to the petitioner to make representation for revoking the order of suspension within one week from the date of order and thereafter, the respondents are directed to dispose of the same on merits and in accordance with law within a period of four weeks from the date of representation. In compliance of the said order, the Disciplinary Authority passed an order dated 19.05.2011 and made recommendation to the Government for conclusion of the Disciplinary Proceedings. However, no order was passed. Hence, again the petitioner filed a writ petition in W.P.(MD). No.7524 of 2012. This Court, by order dated 06.06.2012, issued a direction to the respondents therein to pass final orders on the



recommendation sent by the Disciplinary Authority on 19.05.2011 within a period of one month from the date of order. Thereafter the order impugned in this writ petition was passed and charge memo was issued. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the co-officers, namely, RDO and VAO, who are involved in the same allegation along with the petitioner were allowed to retire peacefully and all the pensionary benefits are settled to them, however, the petitioner alone was under suspension till date. Hence, he prays to direct the respondents to conclude the charge memo and pass final orders within a reasonable time that may be fixed by this Court.

4. The learned Additional Government Pleader would submit that he has no serious objection and a reasonable time may be fixed by this Court to conclude the charge memo.

5. Considering the facts and circumstances of the case, the allegation levelled against the petitioner is with regard to the alleged irregularity that took place prior to ten years of his superannuation. Now twenty years lapsed. Though the petitioner was placed under suspension, his services were retained in the year 2011, however, the Disciplinary Authority issued charge memo in the year 2015. Considering the inordinate delay in initiating the proceedings, I am inclined to issue a direction to the respondents to conclude the charge memo, which was issued based on the communication sent by the Collector, dated 19.05.2011. Accordingly, considering the fact that the issue was pending from 2011 onwards, however, till date not concluded, this Court directs the respondent to conclude the pending disciplinary proceedings dated 30.12.2015, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No Costs.

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
The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

WEB COPY

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-4206[F] dated 10/02/2021)

+1 CC to M/s.SPL GP (SR-4683[F] dated 12/02/2021)

W.P. (MD) .No.3571 of 2016
10.02.2021

SSS (CO)
KB (25.02.2021) 3P 4C