



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM:

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

W.P. (MD)No.8885 of 2016

and

W.M.P. (MD)Nos.7089 and 7090 of 2016 and 3616 of 2017

WEB COPY

V.Gandhimathi

... Petitioner

versus

1. The Commissioner
Office of the Commissioner
of Social Welfare,
Guindy, Chennai - 600 032.

2. The District Social Welfare Officer,
Tirunelveli, Tirunelveli District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the 1st respondent Commissioner to rescind forthwith the disciplinary proceedings initiated against the petitioner under Charge Memo issued by him in Na.Ka.No.32283/Nir5-1/2013, dated 09.02.2015.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.K.P.Narayanakumar,
Special Government Pleader

ORDER

The writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the 1st respondent Commissioner to rescind forthwith the disciplinary proceedings initiated against the petitioner under Charge Memo issued by him in Na.Ka.No.32283/Nir5-1/2013, dated 09.02.2015.

2. The case of the petitioner is that while she was working as Industrial Co-operative Officer in the 2nd respondent District Social Welfare Office, the first respondent initiated disciplinary proceedings against her, alleging that she along with one Amali misappropriated the society's fund to the tune of Rs.79,01,500/-. Thereafter, she was placed under suspension, vide proceedings dated 27.08.2013. Challenging the order of suspension, the petitioner filed a writ petition in W.P.(MD)No.447 of 2015 before this Court. While the matter stood thus, a charge memo was issued by the first respondent on 09.02.2015 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Challenging the said charge memo, the petitioner filed another writ petition in W.P.(MD) No.3432 of 2015. This Court, vide its order dated 13.03.2015,



dismissed the writ petition, however, directed the respondents to complete the disciplinary proceedings within a period of two months from the date of receipt of the order. Aggrieved over the same, the petitioner filed a Writ Appeal in W.A.(MD)No.324 of 2015 and this Court, by taking note of the direction issued by the learned Single Judge, dismissed the writ appeal, vide its order dated 29.04.2015. Subsequently, W.P.(MD)No.447 of 2015 also came up for hearing before this Court and this Court, vide its order dated 29.07.2015, dismissed the writ petition. Since the disciplinary proceedings was not completed within the time stipulated by this Court, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner submitted that though this Court issued a direction to complete the disciplinary proceedings within a period of two months, the same has not been completed so far and therefore, continuation of disciplinary proceedings beyond that period cannot be sustained.

4. The learned Special Government Pleader appearing for the respondents submitted that each and every time, the petitioner has not appeared before the Enquiry Officer with an intention to drag on the proceedings. Therefore, the disciplinary proceedings was not completed within the time stipulated by this Court. The learned Special Government Pleader further submitted that even today, the respondents are ready to complete the disciplinary proceedings within a period of four months, if the petitioner co-operates for the same.

5. Since this Court has already issued a direction to the respondents to complete the disciplinary proceedings, the prayer sought for in the present writ petition cannot be considered. Accordingly, the writ petition is dismissed. However, the respondents are directed to complete the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the Enquiry Officer for completing the disciplinary proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

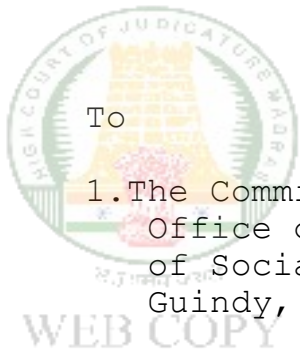
Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

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To

1.The Commissioner
Office of the Commissioner
of Social Welfare,
Guindy, Chennai - 600 032.

2. The District Social Welfare Officer,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.ISAAC CHAMBERS, LAW Firm Advocate (SR-15097[F] dated
01/04/2021)

+1 CC to M/s.SPL GP (SR-15338[F] dated 07/04/2021)

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GS (17.05.2021) 3P 5C