



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.9647 of 2016

and

W.M.P. (MD) .Nos.7678 and 7679 of 2016

A.Alagarsamy

... Petitioner

Vs.

1.The Commissioner,
Tribunal for Disciplinary Proceedings,
Tirunelveli,
Tirunelveli District.

2.The Special Commissioner and
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk,
Chennai 600 005.

... Respondents

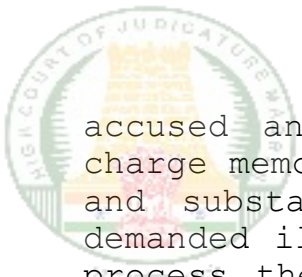
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned charge memo issued by the first respondent in his proceedings in Roc.No.C.487/2002, dated 07.01.2005 and the consequential memo issued by the second respondent in Lr.No.Ref.Ser 4(4)/65500/2007, dated 26.05.2008 and quash the same as illegal.

For Petitioner	: Mr.A.Thiruvadikumar for Mr.S.Haja Mohideen Gisthi
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned charge memo issued by the first respondent in his proceedings in Roc.No.C.487/2002, dated 07.01.2005 and the consequential memo issued by the second respondent in Lr.No.Ref.Ser 4(4)/65500/2007, dated 26.05.2008 and quash the same.

2. The case of the petitioner is that he was appointed as Junior Assistant in the year 1990, in the Office of the Special Tahsildar, Civil Supplies, Tirunelveli and he was promoted as Assistant in the year 1995. While he was working as Assistant in the Office of the Sub Collector, Cheran Mahadevi, Tirunelveli District, a case in Crime No.3 of 2001 was registered against the petitioner and he was shown as second accused. Thereafter, the investigation and the final report was filed only against the first



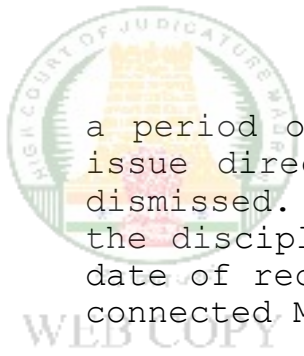
accused and the name of the petitioner was deleted. However, a charge memo was issued against the petitioner on 07.01.2005. The sum and substance of the charge against the petitioner is that he demanded illegal gratification of Rs.500/- from Tr.S.Poovendran, to process the file relating to issuance of free house site patta to Tmt.Kamala, the wife of the said Poovendran and 38 other applicants of Panayankurichi. Further, an enquiry officer was appointed and after enquiry, the enquiry officer has filed a report before the first respondent, in the year 2007. Thereafter, he was issued a second charge memo on 26.05.2008, for which the petitioner has submitted an explanation on 22.08.2008. Thereafter, no further action has been taken and the proceedings are still pending. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the delay in concluding the charge memo itself is vitiated the entire disciplinary proceedings. In support of his contention, he relied on a decision of the Hon'ble Apex Court in the case of **P.V.Mahadevan vs. M.D., Tamil Nadu Housing Board** reported in **2005(4) CTC 403**.

4. The learned Special Government Pleader appearing for the respondents has produced the Letter of the Additional Chief Secretary / Commissioner of Revenue Administration, Chepauk, Chennai, dated 24.02.2021 and would submit that the main accused, who was involved along with the petitioner, was convicted by the Court below and till the conclusion of the criminal trial, the disciplinary authority stalled the proceedings. Further, the respondents seek one month time to conclude the disciplinary proceedings.

5. The facts in the present case are not in dispute. Initially, a case in Crime No.3 of 2001 was registered against the petitioner/A2 and the main accused/A1 for demand and acceptance of the bribe. However, after investigation, the name of the petitioner was deleted and recommended for disciplinary action and the final report was filed only against the first accused. Thereafter, a charge memo was issued against the petitioner on 07.01.2005. Subsequently, after enquiry, a second charge memo was also issued on 26.05.2008, for which the petitioner has submitted an explanation on 22.08.2008. However, the said charge memo was not completed after eight years, on the ground that the criminal case registered against the main accused was pending.

6. In the present case, the petitioner was involved in Vigilance and Anti Corruption case and initially his name was included in the F.I.R. and subsequently, his name was deleted in the final report. As per the Letter dated 24.02.2021, the respondents admitted that the disciplinary proceedings will be completed within



a period of one month. Accordingly, this Court is not inclined to issue direction to the respondents. Hence, this writ petition is dismissed. However, the second respondent is directed to conclude the disciplinary proceedings within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSIII)

// 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,
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Tirunelveli,
Tirunelveli District.

2.The Special Commissioner and
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk,
Chennai 600 005.

+1 CC to M/s.S.HAJA MOHIDEEN GISTHI, Advocate (SR-7413[F] dated 25/02/2021)

+1 CC to M/s.SPL GP (SR-7471[F] dated 26/02/2021)

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ARK(CO)
KB(11.05.2021) 3P 5C