



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No. 21007 of 2018

M. Krishnamoorthy

.. Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Industries (E.1) Department,
Secretariat, Chennai - 600 009.

2. The District Collector,
O/o. The District Collector,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the first respondent to either drop the charges framed against the petitioner or to conclude the disciplinary proceedings initiated against the petitioner and consequently provide pension and other retirement benefits to the petitioner within the time stipulated by this court and pass orders.

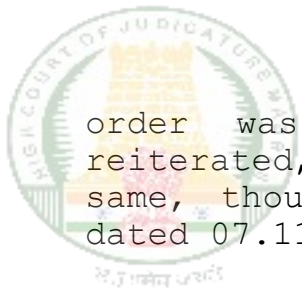
For Petitioner	: Mr. T. Lajapathi Roy
For Respondents	: Mr. K.S. Selvaganesan
	Counsel for State

ORDER

The petitioner is on the third round of litigation before this court. The petitioner had retired as a Tahsildar of a revenue unit in Tirunelveli on 30.04.2012. While in service, he had been charged with dereliction of duty in supervising quarry operations in Government poromboke lands.

2. According to the petitioner, the charges were baseless, since they proceeded on a misconception that he had been in-charge of the post of Zonal Deputy Tahsildar, Sankarankovil, whereas there were sufficient records to establish that he had, in fact, been employed as Headquarters Deputy Tahsildar, Sankarankovil during the very period to which the charges related.

3. The petitioner had filed two writ petitions in W.P.No.11664 of 2011 and W.P.No.10595 of 2012 and in the former writ petition, by orders dated 11.09.2011, the High Court accepted the prayer of the petitioner that the order passed by the respondent on 27.03.2012 rejecting the request of the petitioner to drop the charges did not assign any sound reason for such rejection. The respondent was given liberty to pass a speaking order, after hearing the petitioner. Thereafter and pursuant to the aforesaid decision of this court, an



order was passed again on 07.11.2013. As the charges were reiterated, the petitioner submitted a request for review of the same, though belatedly, nearly two and a half years after order dated 07.11.2013 had been passed.

4. Be that as it may, the case of the petitioner now is the inordinate delay in concluding the proceedings under charge memo dated 28.08.2010. The prayer is to the effect that the respondent be directed to conclude the disciplinary proceedings within a time frame to be fixed by this court as he is languishing for many years without the pensionary benefits having been paid to him at the time of superannuation on 30.04.2012.

5. Learned Government Pleader appearing for the State/R1 and District Collector Tirunelveli/R2 would have no objection for the grant of the prayer as aforesaid.

6. The proceedings appear to have stagnated at the stage of enquiry and order dated 07.11.2013 refers to the pendency of the enquiry before the enquiry officer, one K. Balasubramanian, the then Joint Director (formerly Additional Director, Geology and Mining), from whom a report was awaited.

7. In the aforesaid circumstances, it would suffice that a direction be issued to R2 to ensure that the process of enquiry is completed at the earliest, after the officer hears the petitioner and disciplinary proceedings be concluded expeditiously. The aforesaid exercise shall be completed within a period of (ten) weeks from date of uploading of a copy of this order upon the official website of this court.

8. Since the learned Government Pleader is unaware as to whether the aforesaid enquiry officer continues in the same post or in service at all enabling him to continue the enquiry, the respondents will appoint an enquiry officer should the officer appointed earlier be unavailable to continue and conclude the proceedings.

9. The mandamus as sought for stands achieved and this writ petition is allowed.

10. List for reporting compliance on **24th of January, 2022.**

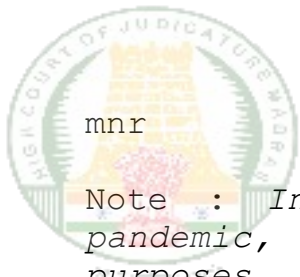
Sd/-

Assistant Registrar (CS-I)

// 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 Principal Secretary to the Government,
Industries (E.1) Department,
Secretariat,
Chennai - 600 009.

2. The District Collector,
O/o. The District Collector,
Tirunelveli District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-34411[F] dated
15/11/2021)

W.P. (MD) No. 21007 of 2018
11.11.2021

PS (CO)
KB (26.11.2021) 3P 4C