

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15502 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“....to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction, by declaring the disciplinary proceedings vide Charge Memo bearing G.O.Rt. No.524, MA and UD (Vig.II) Dept., dt.14/12/2015 (the allegations pertain to the year 2007) and its continuation even without conducting enquiry so far, as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India apart from contrary to law laid down by the Honourable Supreme Court of India in P.V.Mahadevan Vs. MD.TN.Housing Board (2005 (6) SCC 636) and quash the same by conferring all consequential benefits....”.

Heard Sri S.Gopal Rao, learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

It has been contended by the petitioner that he is a retired Additional Town Planner and his grievance is that the disciplinary authority had issued a charge memo on 14.12.2015 and he has retired from service on attaining the age of superannuation on 31.01.2017 and though more than four years have elapsed from the date of retirement, the disciplinary authority has not concluded the disciplinary proceedings initiated against him.

Learned counsel appearing for the petitioner had contended that similar identical set of charges were levelled against some of the employees and the disciplinary authority had conducted a detailed enquiry and the charges were also proved in respect of the said employees and in spite of the same, the State Government has exonerated those employees on the ground that the buildings were subsequently regularized under the Building Regularization Scheme and in the view of the regularization of the buildings, the

charges were dropped, but when it comes to the case of the petitioner, the respondents are proceedings with the disciplinary proceedings even though similar charges in respect of some of the employees were dropped. Therefore, the petitioner has submitted a representation to the respondents on 31.10.2018. But, so far, the respondents have not passed any orders on the said representation. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 31.10.2018 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents had contended that since the petitioner's representation is pending with the respondents, the respondents would consider the same and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 31.10.2018 and pass appropriate orders in accordance with law, within a reasonable period, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19.04.2021
Prv

