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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.588 of 2022

N.Somasundaram

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.

2. The Commissioner of Treasuries and Accounts,
Integrated Finance Building,
Animal Husbandry Campus,
Nandanam, Chennai - 600 035.

3. The Treasury Officer,
District Treasury,Vellore - 632 009.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to complete and pass final orders in the disciplinary proceedings pursuant to the charge memo in Na.Ka.No.28509/02/2015 dated 22.04.2020 on the file of the 2nd respondent, within a time frame to be fixed by this Honourable Court.

For petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.G.Nanmaran
For R1 to R3 Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to complete and pass final orders in the disciplinary proceedings pursuant to the charge memo in Na.Ka.No.28509/02/2015 dated 22.04.2020 on the file of the 2nd respondent, within a time frame as fixed by this Court.



2. The case of the petitioner in brief is as follows:

The petitioner was retired from service on 30.04.2020 as Assistant Treasury Officer. But before his retirement, he received a show cause notice cum charge memo dated 22.04.2020 from the first respondent under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, with regard to the disbursement of salary to an Education Institution, alleged to have been taken place in the year 2015. The petitioner had sent his reply on 27.04.2020, but without considering the same the second respondent was trying to proceed the disciplinary proceedings. Therefore, the petitioner filed a writ petition in W.P.No.8501 of 2020 challenging the above said show cause notice cum charge memo, wherein, this court has granted an order of interim stay of proceedings of the charge memo, vide order dated 03.08.2020, until further orders. Meanwhile, the first respondent has appointed an Enquiry Officer vide G.O.(D)No.27, Finance (Treasuries and Accounts-I) Department dated 26.02.2021. The petitioner had appeared for enquiry. Even after completing the enquiry during June 2020 itself, the enquiry officer has not submitted his report. Hence this writ petition.

3. The learned Special Government Pleader, appearing for the respondents submitted that the submissions made by the petitioner is true and the respondents will pass orders in the disciplinary proceedings, within a time frame, as specified by this court.

4. In view of the above submissions made by the counsels to both parties and considering the statements made in the affidavit filed along with the writ petition, this court is inclined to pass orders, at the admission stage itself.

5. Accordingly, it is ordered as follows.

i) The second respondent is directed to conclude the disciplinary proceedings, for the charges framed against the petitioner under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, dated 22.04.2020, and pass final orders in accordance with law, as early as possible, within a period of three months from the date of receipt of a copy of this order.

ii) After passing of final order by the second respondent, the same shall be communicated to the first respondent, to pass appropriate orders by the first respondent.



6. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

1. The Additional Chief Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.

2. The Commissioner of Treasuries and Accounts,
Integrated Finance Building,
Animal Husbandry Campus,
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+1 CC to Mr.W.M. Abdul Majeed, Advocate sr 3467

+1 CC to The Government Pleader sr 3712

W.P.No.588 of 2022

VBM(CO)
SP(01/02/2022)