



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3767 of 2022
and WMP.No.3904 of 2022

P.Manohar

.. Petitioner

vs.

1.The Principal Secretary to Government,
Energy Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Chief Educational Inspector to Government,
Government of Tamil Nadu - Electrical Inspectorate,
Head Quarters, Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.

3.The Director,
The Directorate of Vigilance & Anti Corruption,
No.293, MKN Road, Alandur,
Chennai-600 016.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to complete the disciplinary proceedings within a time limit fixed by this Court.

For Petitioner : Mr.S.Namasivayam

For Respondents: Mr.M.Bindran,
Additional Government Pleader for R1 to R3

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the writ petition is for a Mandamus directing the respondents to complete the disciplinary proceedings within a time limit fixed by this Court.



3. When this Court posed a query to the respondents to conclude the disciplinary proceedings within a time limit, the learned Additional Government Pleader, on instructions, would submit that the Enquiry Officer earlier appointed had voluntarily retired from service and therefore, Enquiry Officer to be appointed afresh and charges are framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and seeks time to conclude the above said process.

4. Considering the fact that charges were framed against the petitioner on 31.10.2019, for which the petitioner has submitted his explanation on 11.11.2019 and as of now three years had lapsed without conducting any enquiry, this Court is of the view that the request made by the petitioner appears to be genuine and the disciplinary proceedings cannot allowed to be kept pending for long time as the same would cause great prejudice and hardship to the delinquent / petitioner.

5. Accordingly, this Court directs the respondents 1 and 2 to take necessary steps for appointment of fresh Enquiry Officer within a period of one month from the date of receipt of a copy of this order and the Enquiry Officer shall conclude the enquiry, as early as possible, within a period of four months thereafter and based on the Enquiry Officer's Report, the Disciplinary Authority, after affording opportunity to the petitioner, shall pass final orders on merits and in accordance with law, within a period of two months thereafter and communicate the decision taken, to the petitioner. The learned counsel for the petitioner also undertakes that the petitioner will extend their maximum cooperation for enquiry before the Enquiry Officer.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

Jvm



To

- 1.The Principal Secretary to Government,
Energy Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Chief Educational Inspector to Government,
Government of Tamil Nadu - Electrical Inspectorate,
Head Quarters, Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.
- 3.The Director,
The Directorate of Vigilance & Anti Corruption,
No.293, MKN Road, Alandur,
Chennai-600 016.

+1cc to Mr.S.Namasivayam, Advocate SR.No.20108

+1cc to Government Pleader SR.No.20610

W.P.No.3767 of 2022

AD(CO)
GMY(06/04/2022)