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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6355 OF 2022

D.Umapathy

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Municipal
Administration,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Tambaram Municipality,
Tambaram,
Chennai - 600 045.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the second respondent to pass orders on the departmental enquiry pending with him, as per the directions of the first respondents vide G.O.(D) 306, dated 10.09.2020.

For Petitioner : Mr.S.Gopinathan

For Respondents : Mrs.R.L.Karthika,
Government Advocate,
for R1 and R2

Ms.S.Anitha,
Special Government Pleader,
for R3



ORDER

The writ petition is filed for the issuance of a writ of mandamus directing the second respondent to pass orders on the departmental enquiry pending with him, as per the directions of the first respondents vide G.O.(D) 306, dated 10.09.2020.

2. The writ petitioner has filed the instant writ petition for the aforesaid prayer for the reason that on 14.12.1994, the second respondent has framed charges under Section 8(1) of the Tamil Nadu Municipal Services (Discipline and Appeal) Regulations, 1970 and petitioner submitted his explanation on 24.03.1995. Subsequently the respondent has issued a fresh charge memo on 15.03.2012 under Regulation 8(2) of the of the Tamil Nadu Municipal Services (Discipline and Appeal) Regulations, 1970, which was not served on him and the earlier charge memo which was issued by the second respondent under Regulation 8(1) of the Regulations was cancelled.

3. According to the petitioner, the enquiry officer on 22.03.2018 enquired the four charges leveled against him and based on the findings of four charges proved, the second respondent in proceedings dated 16.04.2019, issued an order of removal from service. The petitioner thereafter filed an appeal against the said order before the first respondent, the first respondent vide G.O.(D). 306, dated 10.09.2020, directed the second respondent to continue the disciplinary action against him from the stage, where the procedural lapses has crept in. Based on the aforesaid order, the Commissioner of Municipal Administration/ second respondent proceeded with the disciplinary action and appointed an Inquiry Officer. Thereafter, enquiry was conducted and the petitioner also submitted his explanation. But so far, no orders have been passed. Hence filed the present writ petition before this court.

4. The learned Government Pleader appearing for the respondents submitted that, second respondent is the competent authority to pass orders.

5. On considering the fact of the case and the contention made by the petitioner, this Court, therefore by ends of justice, is incline to directed the Commissioner of Municipal Administration namely second respondent to pass appropriate orders on the departmental enquiry pending with him, as per the directions of the first respondents vide G.O.(D) 306, dated 10.09.2020 on merits as early as possible within a period of 12 weeks from the date of receipt of a copy of this order by following the procedure as contemplated under the Rules.



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6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mrn

To

- 1.The Secretary,
The Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Municipal
Administration,
Chepauk,
Chennai - 600 005.
- 3.The Commissioner,
Tambaram Municipality,
Tambaram, Chennai - 600 045.

+1cc to M/s.S.Gopinathan, Advocate, Sr.No.18759

+1cc to the Government Pleader, Sr.No.19188

W.P.No.6355 of 2022

PMK(CO)
RVM(06/04/2022)