



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7500 of 2022

R.Gopal

...Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Now re designated as Human Resources Management Department,
Secretariat,
Chennai - 600 009.

2.The Secretary to Government,
Labour and Employment Department,
Now re designated as Labour Welfare and Skilled Development
Department,
Secretariat,
Chennai - 600 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to conclude the disciplinary proceedings issued in Letter No.29054/Q/2008-3, P & AR (Q) Department, dated 27.06.2008 and pass final orders on the same within the stipulated time.

For Petitioner : Mr.K.Arumugam

For Respondents: Mr.M.Bindran
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of Mandamus to direct the 1st respondent to conclude the disciplinary proceedings issued in Letter No.29054/Q/2008-3, P & AR (Q) Department, dated 27.06.2008 and pass final orders on the same within the stipulated time.



2.The case of the petitioner in brief:

The petitioner was working as Under Secretary to Government and reached the age of superannuation on 30.06.2008 but he was not allowed to retire from service since a charge memo dated 27.06.2008 issued by the 1st respondent on him for the reason the petitioner had entered into Criminal conspiracy with the other office bearers and committed grave malpractices in the allotment of residential and public purpose plots under Okkiam Thoraipakkam Scheme and thereby gained unlawful pecuniary advantages constituting offences punishable under Section 120 - B of IPC, 13(1)(c)&(d) read with 13(2) and 15 of P.C. Act, 1988. Thereafter, the petitioner has submitted a detailed explanation on 04.07.2008 to the said charges, however, the first respondent has not concluded the disciplinary proceedings and thereby, the writ petitioner has also filed writ petition in W.P.No.17768 of 2008 and the same was dismissed by this Court on 30.07.2012. But thereafter also the respondent has not conducted any enquiry even after lapse of 10 years based on the charge memo till this day. Hence, the writ petition.

3.According to the learned counsel for the petitioner, still the respondents have not concluded the disciplinary proceedings after lapse of ten years.

4.Mr.M.Bindran, learned Additional Government Pleader appearing for the respondents on instruction, would fairly submit that the said disciplinary proceedings will be concluded within the time as prescribed by this Court.

5.Heard the learned counsels on either side and perused the materials placed on record.

6.In view of the aforesaid submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the 1st respondent to conclude the disciplinary proceedings pertaining to the aforesaid charge memo dated 27.06.2008 in accordance with rules and pass final orders as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order. Further, the petitioner is also directed to co-operate with the enquiry.

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar



ata/dua

To

WEB COPY

- 1.The Secretary,
Personnel and Administrative Reforms Department,
Now re designated as Human Resources Management Department,
Secretariat, Chennai - 600 009.
- 2.The Secretary,
Labour and Employment Department,
Now re designated as Labour
Welfare and Skilled Development Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.G.Elenchezhiyan, Advocate SR.No.25463

+1cc to Government Pleader SR.No.25529

W.P.No.7500 of 2022

MG(CO)
GMY(29/04/2022)