



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.6989 OF 2015

AND

M.P.NOS.1 & 2 OF 2015

J.M.Ahamed Arun

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai 9

2.The Commissioner of Municipal Administration,
Chepauk, Chennai 5.

3.The Director of Town Panchayats,
Kuralagam, Chennai-108.

4.The Commissioner,
Narasingapuram 2nd Grade Municipality,
Salem District - 636 108

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge memo issued by the 2nd respondent in Na. Ka. No.50018/10/S2 dt 15.2.2011 and to quash the same and consequently directing the respondents to allow the petitioner to retire from service on the date of retirement on 28.2.2011 with all consequential and other attendant benefits including payment of retirement benefits as on date of retirement along with interest within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mrs.S.Anitha
Special Government Pleader

O R D E R

The charge memo dated 15.02.2011 issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, is under challenge in the present writ petition.



2. The petitioner was working as Head Clerk in the respondent municipality. He was promoted to the post of Executive Officer and posted in the erstwhile Periyasemur 3rd Grade Municipality. The petitioner was due to retire from service on attaining the age of superannuation on 28.02.2011. While so, the impugned charge memo was issued by the 2nd respondent in proceedings dated 15.02.2011.

3. The allegations against the writ petitioner are relating to certain irregularities and the financial loss occurred to the Municipality. The loss was estimated to the tune of Rs.6,36,37,759/-. The action was initiated against the writ petitioner based on the audit report. The writ petitioner has challenged the charge memo on merits and this Court is of the considered opinion that the allegations set out in the charge memo cannot be adjudicated on merits with reference to the facts, in a writ proceedings under Article 226 of the Constitution of India.

4. The learned Special Government Pleader appearing on behalf of the respondents, relying on the counter affidavit filed by the respondents 1 and 3, made a submission that the disciplinary authority conducted an enquiry on the charges framed against the writ petitioner. The enquiry officer after conducting an enquiry submitted a report and the said enquiry report was communicated to the writ petitioner by the Director of Town Panchayats, Chennai, vide letter dated 11.04.2016. However, no final order has been passed in the departmental disciplinary proceedings.

5. In view of the fact that the enquiry had already been completed and the enquiry officer submitted his report, which was communicated to the charged official, there is no reason to quash the charge memo. Under these circumstances, in view of the fact that the writ petitioner has already reached the age of superannuation and the disciplinary proceedings are pending for the past many years, this Court is inclined to direct the respondents to conclude the departmental disciplinary proceedings in all respects and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
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2.The Commissioner of Municipal Administration,
Chepauk, Chennai 5.

3.The Director of Town Panchayats,
Kuralagam, Chennai-108.

4.The Commissioner,
Narasingapuram 2nd Grade Municipality,
Salem District - 636 108.

+lcc to the Government Pleader Sr.No.38853

W.P.No.6989 of 2015

SJ(CO)
RVM(06/07/2022)