



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2022

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 11600 of 2022
and
W.M.P. No. 11083 of 2022

M. Jothi Lakshmi

.. Petitioner

Versus

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Tourism & Tamil Development and Culture Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar GandhiSalai,
(Nungambakkam High Road),
Nungambakkam,
Chennai - 600 034.
3. T.Kaveri,
Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
(Nungambakkam High Road),
Numgambakkam,
Chennai - 600 034.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to conclude the Disciplinary Proceedings initiated vide Charge Memos in Na.Ka.No.48283/2017-2/P.1, dated 28.02.2018 and Na.Ka.No.9913/2020/P1, dated 11.05.2020, within a time frame fixed by this Court and consequently, direct the respondents to include the petitioner's name in the temporary panel for promotion to the post of Deputy Commissioner, based on the revised merit based seniority list, contemplated under G.O.Ms.No.96 (Tourism, Culture and Religious Endowments (AN2-2) Department), in the event of acquittal from the charges framed against the petitioner herein, under Rule 20 of the Tamil Nadu Government Servant Conduct Rules, 1973.



For Petitioner

: Mr. I. Saddam Hussain

For Respondents - 1 & 2

: Mr. Arun Natarajan,
Special Government Pleader
(HR & CE)

WEB COPY

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the respondents to conclude the Disciplinary Proceedings initiated against her pursuant to the issuance of Charge Memos in Na.Ka.No.48283/2017-2/P.1, dated 28.02.2018 and Na.Ka.No.9913/2020/P1, dated 11.05.2020, within a time frame to be fixed by this Court and to issue a consequential direction to the respondents to include her name in the temporary panel drawn for promotion to the post of Deputy Commissioner, based on the revised merit based seniority list, contemplated under G.O.Ms.No.96 (Tourism, Culture and Religious Endowments (AN2-2) Department), in the event of acquittal of the petitioner from the charges framed against her under Rule 20 of the Tamil Nadu Government Servant Conduct Rules, 1973.

2. According to the petitioner, she joined as Assistant Commissioner in Hindu Religious & Charitable Endowments (HR & CE) Department on 26.06.2011 and posted as Executive Officer of Arulmighu Thiyagarajaswamy Temple, Tiruvottriyur. It is stated by the petitioner that she discharged her duties sincerely without giving any room for any complaint. While so, on 05.11.2017, a show cause notice was issued by the second respondent calling upon the petitioner to submit her explanation as to why action be not initiated against her for her failure to participate in the opening of the temple Hundi on 21.12.2016. The explanation given by the petitioner on 26.09.2017 was found to be not satisfactory and therefore, the charge memo dated 28.02.2018 was issued to her under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules containing 4 charges alleging contravention of Rule 20 of the Tamil Nadu Government Servants Conduct Rules. Challenging the charge memo, the petitioner has filed WP No. 15421 of 2018 before this Court and it was dismissed on 10.08.2018. Thereafter, an enquiry officer was appointed and the petitioner participated in the enquiry. The enquiry officer, after conclusion of enquiry, submitted his report on 01.06.2020 to the second respondent. While the petitioner was anticipating for passing final orders in the disciplinary proceedings initiated against her pursuant to the charge memo dated 28.02.2018, the second respondent issued another charge memo dated 11.05.2020. The petitioner also



submitted her explanation to the second charge memo dated 11.05.2020.

3. The grievance of the petitioner is that inspite of the filing of the enquiry report on 01.06.2020 in relation to the first charge memo, the second respondent-disciplinary authority has not passed any final order thereof. While so, the Government has drawn a temporary panel for promotion to various posts vide G.O. Ms. No.96 dated 13.04.2022, however, due to the pendency of the disciplinary proceedings, her chances of getting promotion has become remote. Therefore, it is stated that unless the disciplinary proceedings are concluded by passing final order, the petitioner will be highly prejudiced and she will be deprived of her legitimate promotion. Stating so, the petitioner is before this court with this writ petition.

4. The learned counsel for the petitioner would contend that in respect of the first charge memo, enquiry officer submitted his report on 01.06.2020, however, the second respondent did not pass final order till date. The second charge memo dated 11.05.2020 was issued to the petitioner herein on the basis of the allegations made by the third respondent herein. According to the counsel for the petitioner, the two different charge memorandums issued to the petitioner operates as a bar for her legitimate promotion to the higher post. Therefore, he seeks for appropriate direction to the second respondent to pass final order in the disciplinary proceedings initiated against the petitioner at the earliest.

5. On the above contentions, this Court heard the learned Special Government Pleader (HR & CE) appearing for the respondents 1 and 2 and also perused the records.

6. It is seen from the records that in respect of the first charge memo issued to the petitioner, enquiry was completed and the enquiry officer also submitted his report as early as on 01.06.2020. Therefore, there may not be any impediment for the second respondent to consider the report of the enquiry officer and to pass final order thereon. Accordingly, the second respondent is directed to pass final order in the disciplinary proceedings initiated against the petitioner pursuant to the first charge memorandum dated 28.02.2018, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that the disciplinary proceedings initiated against the petitioner by way of the second charge memorandum dated 11.05.2020 the same be proceeded with, on merits and after following the due procedures as contemplated under law, and be completed as expeditiously as possible.



7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Secretary to Government,
Tourism & Tamil Development and Culture Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar GandhiSalai,
(Nungambakkam High Road),
Nungambakkam,
Chennai - 600 034.

+lcc to Mr.I.SaddaamHussain, Advocate, S.R.No.31129

+lcc to the Special Government Pleader (HR&CE), S.R.No.31213
(19/05/2022)

WP No.11600 of 2022

VG-II(CO)
SU(19/05/2022)