



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17674 of 2020

K.Megala

...Petitioner

Vs.

The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

...Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue writ of Mandamus directing the respondent to pass final order in the departmental action initiated against the petitioner vide charge memo dated 20.12.2019 within reasonable time and to reinstate the petitioner into service.

For Petitioner: Mr.S.Sivakumar

For Respondent: Mr.V.Manoharan
Additional Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondent to pass final order in the departmental action initiated against the petitioner vide charge memo dated 20.12.2019 within reasonable time and to reinstate the petitioner into service.

2.Brief facts of the case:

The petitioner was appointed as a BT Assistant and subsequently promoted as a Post Graduate Teacher and thereafter promoted as Head Master. She is a disabled person with 60% injury since she met with an accident during the year 2003. While she was working as a Head Mistress in GHS, Thirupatchur, a case has been registered in Crime No.1735 of 2017 on the allegation that she has collected amount from various individuals for getting allotment in the Tamil Nadu Slum Clearance Board and thereby, the second respondent has initiated the departmental proceedings and placed her under suspension vide proceedings dated 11.11.2019 by invoking rule 17(e) of



Tamil Nadu Civil Service (D & A) Rules for the past one year and also issued a charge memo dated 20.12.2019 under Rule 17(b) of TNCS (D & A) Rules. After receipt of the charge memo the petitioner has submitted her explanation dated 25.02.2020, but the second respondent has not satisfied with the same and appointed the enquiry officer viz., District Educational Officer, Thiruttani and the enquiry officer has directed the petitioner to appear on 17.07.2020 at 03.00 p.m., and the petitioner appeared and enquiry has been concluded on the same day and the enquiry report has been submitted to the second respondent but the second respondent has not passed any order and did not paid the subsistence allowance. Hence, the petitioner made request to various authorities and thereafter, the second respondent has paid subsistence allowance at the rate of 50% of the last drawn wages for a period of first six months and thereafter, she is entitled for 75% as a subsistence allowance as per the fundamental rule but still petitioner is receiving 50% of the wages only. Hence, she made a representation to the respondents, but the same is still pending.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in a Criminal Case in Crime No. 1735 of 2017 on the allegation that she had collected money from various persons for getting allotment in the Tamil Nadu Slum Clearance Board and the said criminal case is pending before the concerned jurisdictional Magistrate Court. For the same set of allegations, the second respondent filed a charge memo dated 20.12.2019 under rule 17(b) of Tamil Nadu Government Civil Services (Disciplinary and Appeal) Rules. Further, there is no progress in the criminal case and the police has not even filed a charge sheet in the above case. Insofar as the departmental action is concerned the enquiry has been completed as early as July, 2020 but the respondent neither reinstated the petitioner into service nor passed any final order in the disciplinary proceedings. Hence seeks to direct the respondent to pass final order in the departmental action initiated against the petitioner vide charge memo dated 20.12.2019.

4.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has committed mis-conduct of Government funds for her own purpose and hence, as per Rule 17(b) of the Tamil Nadu Government Civil Services (Disciplinary and Appeal) Rules, the second respondent has initiated the departmental proceedings and issued a charge memo. Further, the petitioner has cheated various persons to get allotment order in the newly constructed apartment Ayapakkam Colony, Ambathur in a lent fraud manner and for getting appointment order for the post of Laboratory Assistant. Hence, the act of the petitioner is against the Tamil Nadu Government Servant Conduct Rules and she was placed under suspension under



Rule 17(e) of TNCS (D & A).

5. Heard the learned counsel on either side and perused the materials placed on records.

6. On a perusal of the facts of the case, it is seen that the issues are purely private in nature. Hence, this Court is inclined to direct the respondent to pass final order and to conclude the said departmental proceedings against the petitioner as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Dua

To

The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

+2cc to M/s.S.Sivakumar, Advocate, S.R.No.20154

+1cc to the Government Pleader, S.R.No.20380

W.P.No.17674 of 2020

CNR(CO)
RGA(06/04/2022)