



W.P. No.25762 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25762 of 2021

S.Lingeshwaran

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by the Principal
Secretary to Government,
The Tourism, Culture and Religious
Endowment Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Mahatma Gandhi Road, Nungambakkam,
Chennai – 600 034.
- 3.The Joint Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
No.11/20, Thangavelar Street,
Kancheepuram – 631 501.
- 4.The Assistant Commissioner,
The Tamil Nadu Hindu Religious and Charitable
Endowments Department,
Collector Office Premises,
Kancheepuram – 631 501.



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5.The Executive Officer,
Arulmigu Kandhaswamy Thirukoil,
Tiruporur,
Chengalpet District – 603 110.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to reinstate the petitioner in his service with the attendant benefits and also to pay the arrears of salary from 01.11.2016 to 23.11.2016 and the arrears of the subsistence allowance from 24.11.2016 to till date along with interest thereon at the rate of 24% per annum.

For Petitioner : Mr.S.R.Karthikeyan

For Respondents : Mr.T.Chezhiyan
Addl. Govt. Pleader (for R1)

: Mr.Vadivelu Deenadhayalan
Addl. Govt. Pleader (for R2 to R4)

: Mr.S.Surya
For M/s.AS.Kailasam & Associates
(for R5)

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents herein to reinstate the petitioner in his service with the attendant benefits and also to pay the arrears of salary from 01.11.2016 to 23.11.2016 and the arrears of the subsistence allowance from 24.11.2016 to till date along with interest thereon at the rate of 24% per annum.



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2. The petitioner was working as Computer Operator at the 5th respondent Temple, based on serious complaint made against him, the 5th respondent has placed him under suspension contemplating an enquiry in this regard by order dated 24.11.2016. Thereafter, according to the learned counsel appearing for the petitioner, no progress has been shown and no enquiry has been conducted and no charge memo has been issued so far to the petitioner and the subsistence allowance also has not been paid to the petitioner.

3. However, Mr.S.Surya, learned counsel appearing for the 5th respondent on instruction would submit that initially the enquiry authority was the Assistant Commissioner, Kancheepuram/4th respondent and thereafter another Assistant Commissioner has been nominated. Therefore, there was a delay in initiating the disciplinary proceedings, but soon the disciplinary proceedings could be initiated and concluded within the time frame to be stipulated.

4. Heard Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the 1st respondent and Mr.Vadivelu Deenadhayalan, learned counsel appearing for respondents 2 to 4.



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5. The petitioner has been placed under suspension on 24.11.2016, almost 6 years no progress seems to have been made in conducting any enquiry, as no charge sheet even, according to the learned counsel appearing for the petitioner, has been served on the petitioner.

6. Such kind of delay in initiating the disciplinary proceedings and concluding the same would run contra to various judgments of this Court as well as the Hon'ble Supreme Court and very recently the Government of Tamil Nadu to set right all these anomalies in taking an undue delay in completing the disciplinary proceedings has given compendium of guidelines by issuance of a Government Order in G.O.(Ms)No.81 Human Resources Management (N) Department dated 04.08.2022, where, strict time frame has been fixed by the Government for each and every action to complete the disciplinary proceedings.

7. When that being so, for nearly about 6 years since no progress has been shown to initiate even the disciplinary proceedings much less the conclusion of the same, this Court feels that it is a fit case where some direction can be given to the respondents to complete the disciplinary



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proceedings within a time frame otherwise the impugned suspension order shall be revoked or it shall be deemed to have been revoked automatically.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the 5th respondent to initiate and complete the disciplinary proceedings against the petitioner within a period of three months from the date of receipt of a copy of this order, failing which, the impugned order of suspension dated 24.11.2016 shall stand automatically revoked and the petitioner would be entitled to get reinstatement.

(ii) Since strict time limit of three months has been fixed for completion of the disciplinary proceedings, full cooperation shall be extended by the petitioner without taking even a single adjournment before the Enquiry Officer to be nominated in this regard.



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Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
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Chennai – 600 009.
- 2.The Commissioner,
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R.SURESH KUMAR, J.

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