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W.P.No.16841 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16841 of 2017

Mr.A.Ezhilarasu

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government
Revenue Department,
Fort St.George,
Secretariat, Chennai.

2.The District Collector,
Collectorate, Dharmapuri District,
Dharmapuri.

3.The Revenue Divisional Officer,
Collectorate,
Dharmapuri District,
Dharmapuri.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents herein to consider
the petitioner's representation dated 15.04.2017.



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For Petitioner : Mr.G.Rajkumar
For R1 to R3 : No appearance

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the representation of the petitioner dated 15.04.2017.

2. The petitioner states that he was holding the post of Village Administrative Officer and permitted to retire from service on 31.01.2010 without prejudice to the departmental disciplinary proceedings initiated against him. A charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was issued in proceedings dated 14.04.2008.

3. The learned counsel for the petitioner states that the terminal and pensionary benefits due to the petitioner have not been settled. However, the provisional pension alone being disbursed to the writ petitioner.

4. The learned counsel for the petitioner further states that the other dues to the writ petitioner are to be paid, since he was allowed to retire from



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service without prejudice to the departmental disciplinary proceedings.

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5. It is contended that the Enquiry officer was appointed, who in turn, submitted his report and the final order is yet to be passed. There is long delay on the part of the respondents in concluding the departmental disciplinary proceedings. Therefore, the petitioner is entitled for the relief. In this regard, he submitted a representation, which is not even looked into by the respondents. Therefore, the petitioner is constrained to move the present writ petition.

6. The 3rd respondent filed a counter affidavit, stating that the petitioner had not co-operated to conclude the departmental disciplinary proceedings. Therefore, there was a delay in concluding the departmental disciplinary proceedings. The delay occurred at the instance of the writ petitioner.

7. It is further contended that the petitioner was not having good Service Records as contended by him, he was inflicted a punishment of stoppage of increment for two years with cumulative effect in proceedings dated 02.06.2009.



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8. May that as it be. This Court is of the considered opinion that the departmental disciplinary proceedings initiated is in the final stage as of now. Even as per the petitioner, the Enquiry officer submitted his report. That being the factum, the Disciplinary Authority shall proceed with the departmental disciplinary proceedings, conclude the same and pass final orders as expeditiously as possible. The petitioner is entitled to claim all his terminal and pensionary benefits only after the disposal of the departmental disciplinary proceedings initiated against him.

9. With these observations, the writ petition stands disposed of. No costs.

28.11.2022

Index : Yes
Speaking order : Yes
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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Secretariat, Chennai.



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2.The District Collector,
Collectorate, Dharmapuri District,
Dharmapuri.

3.The Revenue Divisional Officer,
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S.M.SUBRAMANIAM, J.

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