



WP No.26665 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.26665 of 2018

N.Parimala

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Petitioner

VS.

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai.

2.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Thirunelveli Housing Unit,
Thirunelveli-627 011.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad,
Coimbatore-12.

..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to revoke the suspension order dated 26.02.2013 and reinstate the petitioner into service and to complete disciplinary proceedings in Memo No.DC4/4400/2013-7 dated 05.02.2015, Memo No.DC4/7088/2016-1 dated 07.02.2017, Memo No.DC4/5479/2017-6 dated 27.03.2017.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.D.Veerasekaran,
Standing Counsel for TNHB.

ORDER

The writ on hand has been instituted to direct the first respondent to complete the departmental disciplinary proceedings initiated against the writ petitioner.

2. Based on certain allegations, the departmental disciplinary proceedings were initiated against the writ petitioner and two set of charge memos were issued in proceedings dated 05.02.2015 and 27.04.2015 respectively.



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3. The petitioner submitted her explanation to the charges and denied the allegations. Not satisfied with the explanation submitted by the writ petitioner, the Disciplinary Authority appointed an Enquiry Officer, who in turn conducted an enquiry with reference to the first charge memo dated 05.02.2015. In fact, an enquiry report was also submitted and at that point of time, the petitioner filed the present writ petition.

4. The learned Standing Counsel appearing on behalf of the respondents made a submission that the enquiry proceedings in respect of the second charge memo dated 27.04.2015 were concluded and a report was submitted.

5. It is brought to the notice of this Court that yet another charge is also pending against the writ petitioner. However, the petitioner had already reached the age of superannuation and keeping the departmental disciplinary proceedings pending for a longer period would cause prejudice to the interest of the writ petitioner, since she will not be in a position to get the terminal and pensionary benefits.



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6. Thus considering the facts and circumstances, the first respondent is directed to continue the departmental disciplinary proceedings by affording an opportunity to the writ petitioner and by following the proceedings as contemplated and conclude the same, within a period of six months from the date of receipt of a copy of this order. The writ petitioner is directed to cooperate with the first respondent for the early disposal of the departmental disciplinary proceedings. In the event of non-cooperation, the same shall be recorded in the Minutes and in such circumstances, the petitioner is not entitled to claim any relief merely based on the delay in concluding the departmental disciplinary proceedings.

7. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To
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S.M.SUBRAMANIAM, J.

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