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WP Nos.30245 of 2018 and 28377 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.30245 of 2018 and 28377 of 2017

And

WMP Nos.30475 of 2017, 35300 and 35302 of 2018

C.Sivashanmugaraja

..

Petitioner in both WPs

vs.

1.The Government of Tamil Nadu,
Represented by the Principal Secretary,
Higher Education (F2) Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Collegiate Education,
Chennai – 600 006.

3.The Principal,
Periyar Government Arts College,
Cuddalore – 607 001.

..

Respondents in both WPs

WP No.30245 of 2018 is filed under Article 226 of the Constitution of



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India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent herein in Letter No.10162/F2/2018-1 dated 28.08.2018 and quash the same and consequently direct the first respondent to drop further action on the disciplinary action initiated by the second respondent herein as per Memo No.15585/C1/2017 dated 23.11.2017 against the petitioner.

WP No.28377 of 2017 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent herein in G.O.(2D) No.59, Higher Education (F2) Department, dated 05.09.2017 and quash the same and consequently, direct the respondents to regularise the suspension period as duty for all purposes.

For Petitioner in both WPs : Mr.S.Saravanan

For Respondents in both WPs : Mr.A.Anandan,
Government Advocate.

C O M M O N O R D E R

The learned Government Advocate, appearing on behalf of the respondents, brought to the notice of this Court that during the pendency of WP No.30245 of 2018, the departmental disciplinary proceedings initiated against the writ petitioner were concluded, the Enquiry Officer submitted his



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Final Report and the Government has to pass orders.

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2. The learned counsel for the petitioner made a submission that the order dated 28.08.2018 issued by the first respondent, which is under challenge in WP No.30245 of 2018.

3. The said order reveals that an opportunity was granted to the petitioner to submit his further explanation on the finding on the charges.

4. The petitioner has earlier filed WP No.28377 of 2017, challenging the order of suspension dated 05.09.2017 issued in G.O.(2D) No.59.

5. In view of the fact that the enquiry proceedings had already been concluded long back and the petitioner has challenged the second show cause notice, this Court is of an opinion that the first respondent has to consider all the materials available on record and pass orders on merits and in accordance with law with reference to the departmental disciplinary



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proceedings initiated against the writ petitioner. The petitioner is at liberty to submit further representation raising all the grounds available to him along with the documents, if any, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall pass final orders without causing any undue delay.

6. With the abovesaid directions, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn



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S.M.SUBRAMANIAM, J.

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