



W.P.No.31394 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31394 of 2018
and W.M.P.No.23855 of 2021

A.M.Selvam

...Petitioner

Vs.

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.
- 3.The Accountant General (A & E) Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd respondents to forward the Pension Proposals submitted by the Commissioner, Salem City Municipal Corporation in



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Na.Ka.No.C2/28215/2007 dated 28.9.2018 to the 3rd respondent for sanction of

WEB.COM Pension and DCRG within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mrs.R.L.Karthika
Government Advocate
for R1 & R2

Mr.S.Balaji for R3

Mrs.N.Devi for R4

ORDER

The relief sought for in the present writ petition is to direct the 1st and 2nd respondents to forward the Pension Proposals submitted by the Commissioner Salem City Municipal Corporation in Na. Ka. No. C2/28215/2007 dated 28.9.2018 to the 3rd respondent for sanction of Pension and DCRG within a reasonable period.

2.The petitioner states that he was initially appointed in the Tamil Nadu Secretariat Service and joined as Junior Assistant. Subsequently, he was appointed as Municipal Commissioner Grade-III in the year 1986 by way of transfer of



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Service. The petitioner was allowed to retire from service without prejudice to the departmental disciplinary proceedings initiated against him on 30.04.2007. As on the date of superannuation, the petitioner was holding the post of Commissioner, Salem City Municipal Corporation.

3.The learned counsel for the petitioner states that the departmental disciplinary proceedings initiated after enormous delay cannot be sustained. More so, the disciplinary proceedings initiated is kept pending for long years without any valid reasons and therefore, the terminal and pensionary benefits due to the petitioner are to be settled based on the proposal submitted by the Commissioner, Municipal Corporation, Salem in the year 2018.

4.The learned Government Advocate appearing on behalf of the respondents produced the original files which would reveal that in one disciplinary proceeding, the Enquiry Officer submitted his final report and the Government has to pass final orders, since the petitioner was holding the post of Commissioner, Municipal Corporation and retired from service. In respect of the other disciplinary proceeding initiated in the year 2005, Enquiry Officer has already been appointed



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and he has to conduct an enquiry and submit a report and based on the report, further actions are to be initiated to pass final orders. Altogether, two disciplinary proceedings are pending against the writ petitioner and both are to be disposed of for the purpose of settling the terminal and pensionary benefits.

5.It is not in dispute that the petitioner was allowed to retire from service without prejudice to the departmental disciplinary proceedings. Departmental disciplinary proceedings were initiated during the service period of the writ petitioner. However, the learned Government Advocate states that three department officials are involved in the disciplinary proceedings and therefore, it took some more time for finalizing the disciplinary proceedings and on that ground the petitioner cannot be exonerated and the proceedings initiated are to be concluded by following the procedures as contemplated under the Discipline & Appeal Rules.

6.As far as one disciplinary proceeding is concerned, already Enquiry Officer submitted his report and therefore, it may not take much time for the Government to issue Show Cause Notice enabling the petitioner to submit further objection on the enquiry report and thereafter, pass final orders. As far as the other



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disciplinary proceeding is concerned, the enquiry proceedings are to be conducted without causing any undue delay and the final order is to be passed, within a reasonable period of time. When two departmental disciplinary proceedings are pending and one proceeding is in the advanced stage, this Court is of the opinion that the proceedings are directed to be concluded at the earliest possible in order to avoid further prejudice to any of the parties to the writ petition.

7. Accordingly, the respondents are directed to proceed with the departmental enquiry by following the procedures as contemplated and by affording opportunity to the writ petitioner and pass final orders, within a period of four months from the date of receipt of copy of this order. The writ petitioner is directed not to seek unnecessary adjournments or prolong the disciplinary proceedings and cooperate for the early disposal of the proceedings. In the event of any non-co-operation on the part of the writ petitioner, then the same may be recorded in the minutes and in such circumstances, the petitioner is not entitled to seek any relief merely based on the delay in disposing of the disciplinary proceedings. The respondents are directed not to seek any further time for concluding the departmental disciplinary proceedings. If there is no impediment for



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forwarding the pension proposals as per the rules, the respondents are bound to look into the issue and take appropriate decision.

8. With the above directions, this writ petition is disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

17.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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Chennai – 600 009.
2. The Commissioner of Municipal Administration,
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Chennai – 600 005.
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S.M.SUBRAMANIAM, J.

SSR

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