



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 2336 of 2022

Kalamegam

...Petitioner

-Vs-

1. The District Collector,
Karur District,
Karur.
 2. The Personal Assistant to the Collector (Development),
Karur District,
Karur.
 3. The Assistant Director (Panchayats),
Karur District,
Karur.
 4. The Block Development Officer (Village Panchayats),
Kulithalai Panchayat Union,
Karur District.
 5. The Block Development Officer, (Village Panchayats),
Krishnarayapuram Panchayat Union,
Karur District.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to conclude the disciplinary proceeding which was initiated against the petitioner in Na.Ka.A2/993/2009 dated 25.07.2009 expeditiously and direct the fourth respondent to pay the salary to the petitioner for the period of 01.07.2018 to 30.11.2018.

For Petitioner : Mr.G.R.Sathish

For Respondents : Mr.S.Saji Bino
Spl. Govt. Pleader for R1 to R3
Mr.D.S.Neduncheziyan
Government Advocate for R4 and R5

O R D E R

This Writ Petition has been filed to direct the second respondent to conclude the disciplinary proceedings, which was initiated against the petitioner in Na.Ka.A2/993/2009, dated 25.07.2009, as expeditiously as possible, and also directing the fourth respondent to pay the salary to the petitioner for the period of 01.07.2018 to 30.11.2018.



2. Mr.G.R.Sathish, learned counsel appearing for the petitioner submits that as against the charge memo which was issued in the year 2009, the petitioner has filed a Writ Petition before this Court in W.P. (MD) No. 8893 of 2010 and the same was dismissed on 16.11.2011. As against the order of dismissal, the petitioner has filed an Appeal in W.A. (MD) Nos. 1511 of 2011 and the same was also dismissed on 15.03.2013, directing the respondents to expedite the disciplinary proceedings without further delay. Thereafter, enquiry was conducted and the petitioner was also removed from service on 15.07.2014. As against the order of dismissal passed by the second respondent, the petitioner has preferred another Writ Petition before this Court in W.P. (MD) No. 1563 of 2018 and the same was allowed on 21.02.2018 setting aside the order of punishment with liberty to hold enquiry by the second respondent and pass fresh order. While so, the Enquiry Officer died on 27.06.2018 and the respondents have not proceeded with the enquiry further. He further submits that the respondents have not paid any salary to the petitioner for the period from 01.07.2018 to 30.11.2018.

3. Mr.S.Saji Bino, learned Special Government Pleader appearing for the first to third respondents submits that now the second Enquiry Officer is appointed on 22.07.2021 and the Enquiry Officer will conclude the departmental proceedings within a period of two months from the date of receipt of a copy of this order. He further submits that with regard to the eligibility of the petitioner's salary for the said period, he is not having any instructions.

4. In view of the rival submissions made, this Court is inclined to dispose of this Writ Petition at the admission stage itself with a direction to the respondents to conclude the departmental proceedings within a period of eight weeks from the date of receipt of a copy of this order and also take a decision with regard to the eligibility of the petitioner's salary for the period from 01.07.2018 to 30.11.2018.

5. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Collector,
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4. The Block Development Officer (Village Panchayats),
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Karur District.
5. The Block Development Officer, (Village Panchayats),
Krishnarayapuram Panchayat Union,
Karur District.

+1 CC to M/s.G.R.SATISH, Advocate (SR-4305[F] dated 04/02/2022)

+1 CC to M/s.SPL.GP (SR-4566[F] dated 07/02/2022)

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MGJ(17.05.2022) 3P 8C