



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.[MD].Nos.9324 and 9325 of 2022

and

WMP.[MD].No.6683 and 6682 of 2022

R.Ganapathy Murugan ... Petitioner in W.P.9324/2022

A.Vairavan ... Petitioner in W.P.9325/2022

vs.

1.The State of Tamilnadu,
Through its Secretary to Government,
Tourism, Culture and Religious Endowments [RE 2-1]
Department,
Fort St George,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Chennai.

3.The Commissioner of Disciplinary Proceedings,
Thirunelveli,
4/929, Rahmath Nagar,
Maharaja Nagar Post,
Thirunelveli District. ... Respondents in both the cases

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to invoke Rule 8B of the Tamilnadu Civil Services (Disciplinary Proceedings Tribunal) Rules 1955 and withdraw the reference made by the first respondent to the third respondent initiated vide proceedings in Roc.No.A2/03/2021 [TDP No.1/2021] dated 08.07.2021.

For Petitioner	: Mr.V.R.Shanmuganathan for WP(MD).No. 9324 of 2022 Mr. G.Mathavan for WP(MD).No. 9325 of 2022
For Respondents	: Mr.D.Ganthiraj Special Government Pleader (Both Cases)



ORDER

Two Writ Petitions have been filed, one by R.Ganapathy Murugan and another by A.Vairavan seeking a common relief for issuance of a Writ of Mandamus, directing the first respondent to invoke Rule 8B of the Tamilnadu Civil Services (Disciplinary Proceedings Tribunal) Rules 1955 and withdraw the reference made by the first respondent to the third respondent initiated vide proceedings in Roc.No.A2/03/2021 [TDP No.1/2021] dated 08.07.2021.

2. When the matter was taken up for hearing Mr.R.Gandhi Raj, learned Special Government Pleader appearing for the respondents submitted that in the matter an enquiry is posted tomorrow (06.05.2022) and therefore, if a direction is given to consider the petitioner's representation, they even may not appear for the enquiry.

3. In reply, Mr.VR.Shanmuganathan, learned counsel for the petitioners submitted that the petitioners would appear for enquiry before the enquiry officer on 06.05.2022 and in the meantime, a limited direction may be given to consider the petitioners' representation, since they are not falling under the category where the enquiry should be conducted by the Commissioner of Disciplinary Proceedings.

4. Placing on record the statement made by learned counsel for the petitioners that the petitioners will appear before the enquiry officer on 06.05.2022 and any following dates, this Court without going into the merits of the matter, hereby directs the first respondent to consider the representation of the petitioners and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj/skn



To

1.The Secretary to Government,
The State of Tamilnadu,
Tourism, Culture and Religious Endowments [RE 2-1]
Department,
Fort St George,
Chennai.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Chennai.

3.The Commissioner of Disciplinary Proceedings,
Thirunelveli,
4/929, Rahmath Nagar,
Maharaja Nagar Post,
Thirunelveli District.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-23526[F] dated
06/05/2022)

+1 CC to M/s.SPL.GP (SR-23515[F] dated 06/05/2022)

W.P.[MD].Nos.9324 and 9325 of 2022
DATED : 05.05.2022

SJ(CO)
KB(16.05.2022) 3P 6C