



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.14709 of 2021

W.M.P(MD).Nos.11637, 11640 and 18023 of 2021

WEB COPY

Dr.M.Chellamuthu

... Petitioner/Petitioner

Vs.

1.The Gandhigrame Institute of Rural Health and
Family Welfare Trust,
Rep.by its Chairman,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

2.The Director,
The Gandhigrame Institute of Rural Health and
Family Welfare Trust,
Rep.by its Chairman,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

3.S.Seethalakshmi,
The Director,
The Gandhigram Institute of Rural Health and
Family Welfare Trust,
Rep.by its Chairman,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

4.J.Punithaselvi,
The Enquiry Officer,
The Principal,
RHTTI, GIRH & FWT,
The Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

5.M.Sankarapandian,
The Enquiry Officer,
The Statistician,
GIRH & FWT,
The Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

... Respondents



Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of the fourth respondent in REF:GIRH/ESTT/2021-2022/0248 dated 11.08.2021 pursuant to the order of the second respondent dated 01.07.2021 in REF:GIRH/ESTT/2021-2022/0139 and quash the same.

For Petitioner : Mr.S.Ramsundarvijayraj
For Respondents : Mr.V.Karthikeyan for
Mr.V.Vijayasankar for RR1 to 3

O R D E R

The proceedings dated 11.08.2021 issued by the fourth respondent and 01.07.2022 issued by the second respondent are under challenge in the present writ petition.

2. The petitioner is working as Teaching Assistant in the first respondent/The Gandhigram Institute of Rural Health and Family Welfare Trust. The petitioner has filed number of writ petitions challenging the disciplinary proceedings at various stages.

3. The petitioner filed a writ petition in W.P(MD).No.9829 of 2021 challenging the charge memo dated 28.10.2020. Yet another writ petition was filed in W.P(MD).No.12094 of 2021 challenging the appointment of the Enquiry Officer. In respect of very same disciplinary proceedings, the petitioner is having the habit of filing the writ petition challenging each and every proceedings issued by the Disciplinary Authority. In respect of above two writ petitions filed in W.P(MD).Nos.9829 and 12094 of 2021, this Court passed the final order on 08.03.2022 directing the respondents to provide opportunity to the petitioner and dispose of the disciplinary proceedings within a period of three weeks from the date of receipt of a copy of this order. The petitioner was directed to co-operate for early disposal of the disciplinary proceedings. The challenge made in the charge memo and the appointment of the Enquiry Officer was rejected.

4. The present writ petition is filed with a prayer to challenge the enquiry summon issued on 01.07.2021 and the date of enquiry communicated to the petitioner in proceedings dated 11.08.2021.

5. When the writ petition filed challenging the charge memo was rejected and the respondent was directed to dispose of the departmental disciplinary proceedings as expeditiously as possible, the present writ petition filed challenging the enquiry summon comes for the consideration of this Court. The present writ petition is filed



with an idea to prolong and protract the disciplinary proceedings. Such idea of the employees at no circumstances be encouraged by the High Court but to be deprecated.

6. The practice of filing the writ petition after writ petition by challenging each proceedings cannot be entertained by the High Court unnecessarily as mere pendency of the writ petition is taken undue advantage by the delinquent officials for the purpose of prolonging and protracting the issue so as to escape from the clutches of the disciplinary proceedings. Therefore, the High Court is expected to be cautious while entertaining the said writ petition filed challenging each and every proceedings in the departmental disciplinary proceedings without substantiating any acceptable ground for the purpose of admitting the writ petition.

7. Admitting the writ petition and keeping the same for years together is causing prejudice to the Department and the Department is unable to proceed with the departmental disciplinary proceedings which caused prejudice to the delinquent officials also as the pendency of the departmental proceedings is a ground to deny the promotional opportunity and other benefits. Therefore, filing a writ petition challenging the each and every proceedings in the departmental disciplinary proceedings without substantiating any acceptable ground is liable to be rejected on the threshold.

8. As far as the writ petitioner is concerned, he has already filed two writ petitions challenging the charge memo and appointment of Enquiry Officer. Those two writ petitions were disposed of by this Court directing the respondents to proceed with the enquiry and the petitioner was directed to co-operate for early disposal of the departmental disciplinary proceedings. This being the factum, the present writ petition deserves no merit consideration. It is made clear that the directions issued in W.P(MD).Nos.9829 and 12094 of 2021 to complete the disciplinary proceedings within a period of three months is directed to be complied with.

9. Accordingly, the Writ Petition stands dismissed No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar (CS)

ssb



To

1.J.Punithaselvi,
The Enquiry Officer,
The Principal,
RHTTI, GIRH & FWT,
The Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

2.M.Sankarapandian,
The Enquiry Officer,
The Statistician,
GIRH & FWT,
The Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar, Gandhigram Post,
Dindigul District.

+1 CC to M/s.V. KARTHIKEYAN, Advocate (SR-19571[F] dated 20/04/2022

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-19845[F] dated
20/04/2022)

W.P. (MD) No.14709 of 2021

19.04.2022

NA (CO)

KB(02.05.2022) 4P 5C