



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )



Friday, the Sixteenth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WMP(MD) No.15555 of 2022  
IN  
WP(MD) No.6551 of 2020

- 1.THE STATE OF TAMIL NADU  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF  
SCHOOL EDUCATION, FORT ST.GEORGE, CHENNAI 9
- 2.THE DIRECTOR OF SCHOOL EDUCA  
TION, COLLEGE ROAD, CHENNAI 6
- 3.THE JOINT DIRECTOR  
(PERSONNEL), DIRECTORATE OF SCHOOL EDUCATION,  
COLLEGE ROAD,  
CHENNAI 6

... PETITIONERS/RESPONDENTS

Vs

K. PAULRAJ

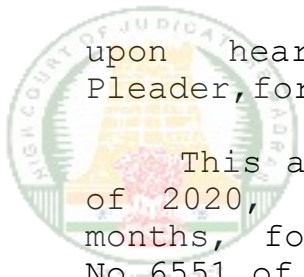
... RESPONDENT/PETITIONER

**Prayer in WMP(MD) No.15555 of 2022 in WP(MD) No.6551 of 2020:**

This Petition filed under Article 226 of the Constitution of India, to extend the time granted in its order dated 23.11.2021 in W.P.(MD) No.6551 of 2020, for complying with the directions of this Honble Court by another six months i.e. till February 2023 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

**Prayer in WP(MD). 6551 of 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorarified mandamus or any other order or orders in the nature of writ calling for the records relating to the enquiry report issued by the 3rd respondent in his proceedings Nil, dated 6.11.2019 and quash the same as illegal and consequent direction may be issued to the respondents to drop the departmental proceedings initiated on the charge memo in Na.Ka.No.7477.A1.E5.2019.2 dated 3.6.2019



upon hearing the arguments of Mr.R.Kannan, Addition  
Pleader, for the petitioners, this court made the following order



This application is filed by the respondents in W.P(MD) No.6551 of 2020, seeking extension of time for further period of six months, for complying with the order of this Court in W.P(MD) No.6551 of 2020, dated 23.11.2021.

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2.The Writ petition in W.P.(MD) No.6551 of 2020 was filed by one Paulraj, challenging the enquiry report, dated 06.11.2019, issued by the third respondent / the Joint Director (Personnel), Directorate of School Education, Chennai. After hearing both sides, this Court disposed of the writ petition on 23.11.2021, with a direction to the competent authority to consider the reply of the petitioner, if any filed by him, as against the enquiry report and also considering the proceedings of the Director of School Education and pass necessary orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of that order. Since the competent authority has not complied with the order of this Court, dated 23.11.2021, the writ petitioner has filed contempt petition in Cont P(MD) No.1044 of 2022 before this Court on 18.07.2022.

3.When the contempt petition was listed before this Court on 27.07.2022, Mr. S.Saji Bino, learned Special Government Pleader was permitted to take notice for the respondents and this Court initially granted two weeks time and at request of the learned Special Government Pleader appearing for the respondents, adjourned the matter to 07.09.2022. On 07.09.2022, when the contempt petition was taken up for hearing, it is reported on the side of the respondents that they have filed an application seeking extension of time for complying with the order of this Court, based on which, the contempt petition was again adjourned to 09.09.2022. On 09.09.2022, the details of application filed for extension of time were given by the respondent side and this Court directed the Registry to post the Contempt Petition along with WMP(MD) No.15555 of 2022 in W.P(MD) No. 6551 of 2020.

4.Today(16.09.2022), when the matter is taken up for hearing, Mr.A.Kannan, learned Special Government Pleader appearing for the respondents submits that one of the delinquent died on 25.01.2022 and therefore charges as against him was abated and due to his death, there is a delay in the process of passing final orders. The reasons stated by the learned Special Government Pleader for not passing final orders so far, are extracted from their affidavit as below:-

6. I submit that order was passed by this Court on 23.11.2021 and the copy of the order was received by the respondents on 15.12.2021. I submit that the order copy was taken through High Court web portal and forwarded to the Government on 02.12.2021. Even though process for passing final orders were commenced immediately, since one of the delinquent



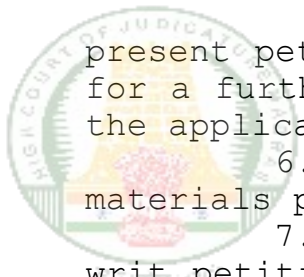
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in the above departmental proceedings being District Educational Officer, each and every stage of the departmental enquiry, we need to get concurrence from the Government, which took almost four months for completing the same thereafter entire departmental enquiry file relating to the above said disciplinary proceedings along with particulars of delinquent employee was forwarded to the Government on 02.12.2021 for passing necessary final orders. I submit that thereafter Government verified the records of the concerned office and the same was forwarded to the advisory department. I submit that once the same is received from the advisory departments and the department will pass final orders, thereafter the order passed by the respondent would be duly communicated to the respondent/writ petitioner herein. Due to the bonafide reasons stated above, this petitioners/respondents is not in a position to pass final orders on the disciplinary proceedings initiated against the writ petitioner and three other Government servants and hence it may require some more time, to comply, say atleast 6 months.

7. I submit that the delay is only due to the process contemplated under the norms prescribed in the act Tamil Nadu Civil Services (Disciplinary and Appeal) rules. If the same is not followed then the writ petitioner would come up with the writ petition before this Hon'ble Court challenging the final order on the ground that the procedures were not duly followed by this petitioners/respondents as contemplated. I submit that the said facts were well known to the respondent writ petitioner herein also. On the other hand, now the respondent/writ petitioner have come with the contempt petition in Cont.P(MD) No.1044 of 2022 alleging non-compliance of the order passed by this Hon'ble court. I submit that said delay in passing final orders is only due to the bonafide reasons stated supra. I submit that in the interest of justice the time granted for complying the directions issued by this Hon'ble Court needs to be extended atleast by another six months. Otherwise it will cause grave prejudice and irreparable hardship and heavy loss to the petitioners/respondents. On the other hand, no prejudice whatsoever would be caused to anybody."

5. In reply, the learned counsel appearing for the writ petitioner strongly objects for grant of extension of time, since the order in Writ Petition in W.P(MD) No.6551 of 2020 was passed on 23.11.2021 granting one month time for passing necessary orders on the enquiry report. Now the respondents have come up with the



present petition, after nine long months, seeking extension for a further period of six months to comply with the order, the application is liable to be dismissed.

6. Heard the learned counsel on either side and perused the materials placed before this court.

7. Admittedly, W.P.(MD) No.6551 of 2020 was filed by the writ petitioner, namely, Paulraj, as against the charge memo, dated 03.06.2019 and the enquiry report, dated 06.11.2019. Considering the fact that the writ petition was filed at the premature stage and the writ petitioner had to give reply to the enquiry report and the competent authority was in a position to pass orders, after considering the reply of the writ petitioner, this Court disposed of the writ petition, granting one month time to the competent authority to pass necessary orders. The respondents claim that the order of this Court, dated 23.11.2021 was received by them only on 02.12.2021 and necessary proposals have also been made to the Government. Even then, the first respondent in the writ petition, who is the competent authority has not passed any final orders on the disciplinary proceedings.

8. The writ petitioner, who was due to retire on 30.06.2019 was issued with a charge memo in Na.Ka.No.7477/A1/E5/2019-2 along with three other government servants on 03.06.2019. Enquiry was also completed and a report has been communicated to the competent authority on 06.11.2019. The enquiry report reveals that the charges framed as against the writ petitioner and others are proved that they have caused a loss of Rs.75,80,843/- to the Government. It is to be noted that though the charges as against the delinquents are grave in nature, the respondents have not acted upon so far. It is also to be noted that this application is filed only on 01.09.2022, after filing of the contempt petition by the writ petitioner on 18.07.2022 and notice was ordered in the contempt petition on 27.07.2022. Under such circumstances, the present application filed by the respondents seeking extension of time on the ground that due to the death of one of the delinquent, there is a delay in the process of passing final orders is not at all acceptable by this Court.

9. In view of the above, this Court feels that the respondents are deliberately evading to comply with the order of this Court in W.P(MD) No.6551 of 2020, dated 23.11.2021 and this Court is not inclined to entertain this application.

10. Accordingly, W.M.P(MD) No.15555 of 2022 in WP(MD) No.6551 of 2020 is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)



TO

1. THE SECRETARY,  
STATE OF TAMIL NADU  
DEPARTMENT OF  
SCHOOL EDUCATION, FORT ST. GEORGE, CHENNAI 9

2. THE DIRECTOR OF SCHOOL EDUCATION,  
COLLEGE ROAD, CHENNAI 6

3. THE JOINT DIRECTOR  
(PERSONNEL), DIRECTORATE OF SCHOOL EDUCATION,  
COLLEGE ROAD,  
CHENNAI 6

Copy to:

The Section Officer, Writ Section,  
Madurai Bench of Madras High Court,  
Madurai.

order dated :16/09/2022

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order  
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WMP (MD) No.15555 of 2022  
IN  
WP (MD) No.6551 of 2020

MGJ(19.10.2022) 5P 5C