



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.13936 of 2017

and

W.M.P. (MD) .No.10883 and 10884 of 2017

B.Mathiyalakan

... Petitioner

Vs.

1.The Director of Town Panchayat,
Kuralagam,
Chennai - 600 108.

2.Tmt.N.Vijayalakshmi/Enquiry Officer,
Assistant Director of Town Panchayat,
Madurai Zone, Madurai.

3.The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Tirunelveli.

4.The Executive Officer,
Town Panchayat,
Moolaikkaraipatti,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned charge memo issued by the first respondent in Letter No.16702/2013-2/A4 dated 15.06.2016.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.P.Thambidurai

Government Advocate (Civil Side)

ORDER

Heard Mr.V.R.Venkatesan, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

2. This Writ Petition has been filed for Certiorari challenging the charge memo dated 15.06.2016 issued by the first respondent.



3. The charge against the petitioner was that he has received illegal gratification. The criminal proceeding was instituted in S.C.No.3 of 2005 on the file of Chief Judicial Magistrate, Tirunelveli against three accused and by the judgment dated 11.08.2009, all the three accused are convicted. The three accused preferred Criminal Appeal (MD). Nos. 222, 244 and 263 of 2009 before this Court and this Court has acquitted all the three accused, vide order dated 02.08.2013.

4. The petitioner has challenged the charge memo before this Court 15.06.2016. One of the delinquents, namely, A.Muthuramalingam had already challenged the same charge memo dated 15.06.2016 in W.P. (MD). No. 16869 of 2017 and this Court vide order dated 01.09.2021 has dismissed the Writ Petition. The other delinquent namely, N.A.Rajagopal had filed the Writ Petition in W.P. (MD).No.1253 of 2020 and this Court, vide order, dated 23.01.2010 had directed the respondents to initiate the disciplinary action and complete it within a period of three months from the date of receipt of a copy of this order. The said N.A. Rajagopal has filed contempt petition for not completing the disciplinary proceedings.

5. The respondents could not proceed with the disciplinary proceeding because of the interim stay dated 27.07.2017 granted in W.M.P (MD) No. 10884 of 2017 in W.P. (MD) No. 13936 of 2017.

6. Therefore, this Court direct the respondents to complete the disciplinary proceedings for all the three delinquents within a period of four months from the date of receipt of the copy of the order.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Nsr

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 Director of Town Panchayat,
Kuralagam,
Chennai - 600 108.

2.Tmt.N.Vijayalakshmi/Enquiry Officer,
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Madurai Zone,
Madurai.

3.The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Tirunelveli.

4.The Executive Officer,
Town Panchayat,
Moolaikkaraipatti, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-6517[F] dated 16/02/2022)

+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-6558[F] dated
16/02/2022)

W.P. (MD) .No.13936 of 2017
14.02.2022

SR(CO)
KB(07.03.2022) 3P 7C