



W.P.No.919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.919 of 2023 and W.M.P. Nos.897 & 898 of 2023

Z.Abuthagheer

... Petitioner

Vs.

1.The Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The Joint Commissioner (ST),
Vellore Division,
Government Building,
4, Bharathiyar Street,
Fort Round, Vellore.

3.The Deputy Commissioner (ST) (FAC),
Cuddalore, Sub Jail Road,
Manjakuppam,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent bearing Ref. No.E1/2675710/2022 dated 17.11.2022 in confirming the Proceedings of the second respondent bearing



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Rc.A3/12784/2021 dated 27.06.2022 and quash the same as manifestly erroneous, illegal, unjust and unconstitutional and consequently direct the respondents to grant all retirement and pension benefits admissible to the petitioner.

For Petitioner : Mr.I.Abrar MD.Abdullah

For Respondents : Ms.K.Vasanthi Mala,
Government Advocate

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Challenging the impugned order bearing Ref. No.E1/2675710/2022 dated 17.11.2022 passed by the first respondent in confirming the Proceedings of the second respondent bearing Rc.A3/12784/2021 dated 27.06.2022 and seeking a direction to the respondents to grant all retirement and pension benefits admissible to the petitioner, this writ petition has been filed.

3.The petitioner has challenged the impugned order dated 17.11.2022 as well as the Charge Memo dated 27.06.2022 on the ground that just on the



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verge of his retirement, the charge memo has been issued to him, despite the fact that he has not committed any irregularities as alleged in the charge memo.

4.Heard Mr.I.Abrar MD Abdullah, learned counsel for the petitioner and Ms.K.Vasanth Mala, learned Government Advocate, who accepts notice on behalf of the respondents.

5.Learned Government Advocate appearing for the respondents would submit on instructions that the petitioner has already been allowed to retire without prejudice. She would also submit that the petitioner was already sanctioned with the pension amount. However, the petitioner has not co-operated in the enquiry and only sought time on both the hearing dates before the enquiry officer. Since the enquiry officer has already been appointed and the enquiry proceedings has already been commenced, the question of interference by this Court with regard to the impugned charge memo will not arise at this stage.



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6.This Court is of the considered view that in view of the categorical assertion made by the petitioner that he is not guilty of the charges framed against him and that too when the impugned charge memo has been issued just on the verge of his retirement, the enquiry proceedings will have to be concluded by the respondents within a short period of time. Therefore, this Court is of the considered view that two months time would suffice for the respondents to complete the disciplinary proceedings initiated against the petitioner.

7.After recording the fact that the respondents have already sanctioned the pension amount to the petitioner, this writ petition is disposed of by directing the respondents to complete the enquiry proceedings and pass final orders, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.



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8.However, it is made clear that the petitioner shall co-operate in the disciplinary proceedings by attending all the hearing dates. Consequently, connected W.M.Ps. stand closed. No costs.

11.01.2023

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Index:Yes/No

Note: Issue order copy on 12.01.2023

To

- 1.The Principal Secretary/
Commissioner of Commercial Taxes,
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ABDUL QUDDHOSE, J

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