



W.P.No.6109 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.6109 of 2020

T.K.Shenbagavalli

...Petitioner

-Vs-

- 1.The Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.
- 2.The Joint Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.
- 3.Mr.M.Sureshkumar,
Enquiry Officer cum
Deputy Director of Ex-Servicemen's Welfare,
Through,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthiah Salai,
Chennai - 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to pass appropriate final orders in accordance with law on the disciplinary proceedings initiated against the petitioner in charge memo dated 06.09.2018



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in Na.Ka.No.9682/2018/Nir.5, pursuant to the completion of enquiry by the third respondent as enquiry officer, as per the order dated 06.02.2019 passed by the second respondent, by taking into consideration of the petitioner's comprehensive explanations dated 11.01.2019 and 03.10.2019 within a reasonable period to be fixed by this Court.

For Petitioner	: Mr.R.Kannan Assisted by Mrs.R.Rebecca Vasanthi Precy
For Respondents	: Mrs.M.Jayanthy, Additional Government Pleader

ORDER

This writ petition has been filed seeking to issue a writ of mandamus directing the first respondent to pass appropriate final orders in accordance with law on the disciplinary proceedings initiated against the petitioner in charge memo dated 06.09.2018 in Na.Ka.No.9682/2018/Nir.5, pursuant to the completion of the enquiry by the third respondent as enquiry officer, as per order dated 06.02.2019 passed by the second respondent by taking into consideration of the petitioner's comprehensive explanations dated 11.01.2019 and 03.10.2019 within a reasonable period to be fixed by the Court.



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WEB COPY 2. A counter affidavit has been filed on behalf of the respondents.

3. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. Learned counsel for the petitioner submits that though the proceedings initiated in the year 2018, the proceedings are not concluded till now, due to which, the petitioner is facing irreparable loss and hardship and requested to issue a direction to the first respondent to pass final orders within a time stipulated.

5. On the other hand, learned Additional Government Pleader appearing for the respondents submits basing on the averments of the counter affidavit that the enquiry proceedings had been submitted to the Government on 21.05.2020 for scrutiny and for passing final orders by the Government. The scrutiny and process at the Government involves certain time. Learned Additional Government Pleader further submits that due to Covid-19



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pandemic, the Government could not scrutinise and pass final orders in time and now it is under active consideration of the Government.

6. Having heard the submissions of the respective counsels and perused the material available on record, it appears that in the counter affidavit filed in the month of June 2020 by the respondents, it is stated that the enquiry proceedings had been submitted to the Government on 21.05.2020 for scrutiny and for passing final orders by the Government. It appears that till today, final orders are not passed. This case is a classic example for the lethargy of the bureaucrats, in passing the orders in disciplinary proceedings.

7. In the considered opinion of this Court, such irresponsible action of the respondents in keeping pending the enquiry, without passing final orders for such a long period is unreasonable and unjust and as such, it is not acceptable by the Court. In view of the facts and circumstances of the case, in the considered opinion of this Court, it is appropriate to direct the first respondent to pass appropriate orders in accordance with law within a stipulated time to meet the interest of justice.



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8. Accordingly, this writ petition is **disposed of** with a direction to the first respondent to pass final orders, basing on the report received by them on 21.05.2020 from the enquiry officer within a period of four weeks from the date of receipt of a copy of this Order.

9. There shall be no order as to costs.

10. Consequently, connected writ miscellaneous petition is closed, if any.

23.06.2023

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Note: Issue order copy **on 27.06.2023**.

Index: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes/No



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To

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BATTU DEVANAND, J.

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