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W.P.No.13083 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.13083 of 2020

S,Sajtguvek

... Petitioner

Vs.

1.The Secretary to Government,
Public Works (E1) Department,
Fort St. George, Chennai – 9.

2.The Tribunal for Disciplinary Proceedings,
'Kuralagam' 3rd Floor,
Chennai – 104.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to commence and conclude the disciplinary proceedings initiated against the petitioner in TDP Case No.13/2019 dated 14.07.2020 in A1/452/2019 within a reasonable time.

For Petitioner : Mr.Muthappan

For Respondents : Mr.G.Nanmaran,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the respondents to commence and conclude the disciplinary proceedings initiated against



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the petitioner in TDP Case No.13/2019 dated 14.07.2020 in A1/452/2019 within a reasonable time and grant such further relief in the interest of justice.

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

3. During the course of hearing, the learned Special Government Pleader appearing for the respondents on 13.06.2023 sought time to get instructions with regard to the status of the enquiry.

4. Today, the learned Special Government Pleader submits that based on the written instructions dated 19.06.2023 received from the first respondent wherein, it is stated that after conducting the enquiry, the Tribunal for Disciplinary Proceedings (TDP) has forwarded its final report and connected records to the Government.

5. The petitioner also submitted his representation in the month of November 2022. It is stated that the connected file is under process in Government for consultation with the Human Resources Management Department, Vigilance Commission and Tamil Nadu Public Service Commission to issue final order.



6.

On perusal of the instructions dated 19.06.2023 of the first respondent placed before this Court, it appears that no final order is issued till date, by the first respondent, after receipt of the final report and connected records from the Tribunal for Disciplinary Proceedings. Admittedly, the enquiry is concluded by the Tribunal and its final report was sent to the Government. But, for the best reasons known to the respondents, they are not passing final orders. It is also not mentioned on what date they received final report from the Tribunal.

7.

Under these circumstances, in the considered opinion of this Court, keeping the matter pending without passing final order, even after receipt of the final report from the Tribunal, is illegal, unjust and contrary to the procedure provided to conclude the disciplinary enquiry and to pass final orders.

8.

Accordingly, it is appropriate to direct the first respondent to pass final order on consideration of the final report submitted by the Tribunal for Disciplinary Proceedings, within a stipulated period to meet the interest of justice.

9.

In the result, this Writ Petition is disposed of, with a direction to the first respondent to pass final order in the present issue, within a period of four weeks from the date of receipt of copy of this order.



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BATTU DEVANAND, J.

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10. There shall be no order as to costs.

21.06.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

Note: Issue order copy on 22.06.2023

To

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Fort St. George, Chennai – 9.

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