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W.P.Nos.16642, 15709 & 16372 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.Nos.16642, 15709 & 16372 of 2020
and
W.M.P.Nos.18256 & 18253 of 2021

S. Kavitha

... Petitioner
(in all Petitions)

Versus

1.The Chief Secretary,
State of Tamil Nadu,
Secretariat,
Chennai – 600 009.

2.The Additional Chief Secretary to Government,
Finance (T & A2) Department,
State of Tamil Nadu,
Secretariat,
Chennai – 600 009.

3.The Commissioner of Treasuries and Accounts,
Integrated Finance Department offices complex,
Chennai – 600 035.

... Respondents
(in all Petitions)



W.P.Nos.16642, 15709 & 16372 of 2020

PRAYER in W.P.Nos.16642 & 16372 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to conclude the departmental proceedings initiated against the Petitioner vide Charge Sheet dated 05.06.2018 within a time limit as stipulated by this Court.

PRAYER in W.P.No.15709 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to conclude the departmental proceedings within a time limit as stipulated by this Court.

For Petitioner : Mr. K.V. Dhanapalan
(in all Petitions)

For Respondents : M/s. P. Vijaya Devi,
(in all Petitions) Government Advocate

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the respondents to conclude the departmental proceedings initiated against the petitioner herein within a stipulated time as fixed by this Court.

2.The case of the petitioner is that she was appointed to the post of Accountant in the Pay and Accounts Department by the Tamil Nadu Public



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Service Commission in the year 2012, and thereafter she was selected for the post of Assistant in the Tamil Nadu Secretariat by the TNPSC. Therefore, she was relieved from the service at the Pay and Accounts Office and joined the Tamil Nadu Secretariat as an Assistant in the Public Department. While the petitioner discharging her duty as Assistant in the Public Department in the Secretariat, a charge sheet was issued on 17.05.2018 alleging that while she was serving as Accountant in the Pay and Accounts Office, she had issued a token without 'Form 70', thereby, she had violated the Rule 16 of Tamil Nadu Treasury Code and Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules 1973. Despite the Departmental inquiry proceedings being commenced and completed in the year 2019 itself, till date no order has passed and keeping pending the departmental proceedings is totally unsustainable and for that reason, her regular promotions were backlogged for a long period. Hence this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that on a similar issue, this Court had already passed an order in W.P.No.2293 of 2020 dated 03.02.2020, in which, the Additional Chief Secretary to Government was directed to complete the disciplinary proceedings and pass final orders within a period of 12 weeks. Further, he submitted that in paragraph No.4, it



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was clearly stated that the disciplinary proceedings were completed in June 2019 and the orders have not been passed in respect of the disciplinary proceedings and the petitioner therein had filed the said Writ Petition. But, the petitioner herein has stagnated as an Assistant in the Public Department in Secretariat, even though his contemporary colleagues must have received at least two promotions thereafter. Due to the pendency of disciplinary proceedings, the petitioner is unable to get a promotion and other benefits and it would affect her stigma. At this juncture, it is necessary to extract the relevant portion of the above said order hereunder:-

“4.The petitioner participated in the disciplinary proceedings and according to the petitioner, the enquiry has been completed in June 2019 itself and till today no final orders have been passed in the disciplinary proceedings. Therefore, left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.”

4.The learned Government Advocate appearing for the respondents would submit that the departmental proceedings have not been completed as stated in the month of June 2019 and further he stated that there is a further proceeding pending before the Directorate of Vigilance and Anti-Corruption



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(DVAC) and the respondents are waiting for the report from the DVAC.

Further, he stated that DVAC has also been sent a request letter to the Government that the report will be sent to the Government through the Vigilance Commissioner within a period of six months and thereafter, on receipt of the same, the Government will pass the consequential order.

5.Heard the learned counsel for both sides and perused the materials on record.

6.Considering the facts and circumstances of the case, and according to the contention of the learned counsel for the petitioner that an order has already been passed by this Court in W.P.No.2293 of 2020 dated 03.02.2020, inspite of the same, and even though the disciplinary proceedings were completed in the year 2019, no enquiry report was filed, and the petitioner was not granted any promotion till date. In the instant case, even though the disciplinary proceedings are completed and the respondents are waiting for the report from the Directorate of Vigilance and Anti-Corruption (DVAC). Therefore, this Court directs the respondents to approach the DVAC and get the report to complete the proceedings within a period of three months from the date of receipt of a copy of this order and thereafter, on receipt of the



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report from the DVAC, the respondents shall pass appropriate orders on the Disciplinary Proceedings within a period of four weeks.

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

28.03.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

- 1.The Chief Secretary,
State of Tamil Nadu,
Secretariat, Chennai – 600 009.
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