



WEB COPY



W.P.No.22540 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.No.22540 of 2021

and

W.M.P.Nos.23769 & 23770 of 2021

Dr. A. Swaminathan

... Petitioner

Versus

- 1.The Commissioner,
Greater Chennai Corporation,
Chennai – 3.
- 2.The Joint/Deputy Commissioner (Health),
Greater Chennai Corporation,
Chennai – 3.
- 3.Regional Deputy Commissioner,
Regional Office -(Central),
Pulla Avenue, Shenoy Nagar,
Chennai – 30.
- 4.Zonal Health Officers (Zone 6),
Zone-VI, Thiru.Vi.Ka. Nagar,
No.5, Anderson Salai,
Chennai – 23.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari Mandamus, to call for the records on the file of the 3rd respondents pertaining to his proceeding in



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Ma.Va.Na.Ka.No.H1/2510/2018, dated 12.04.2018 and quash the same and for further direction for the respondents to pay the salary of the petitioner for the periods January 2017 to March 2017 & July 2017 to November 2017 along with interest at the rate of 18% p.a and other benefits including increments and the amounts due to him under the claim letter dated 20.09.2016 [being the amount spent by the petitioner under the Mass Vaccination of stray dogs (ARV)].

For Petitioner : Mr.V. Rajendran
For Respondents : Mrs. Aswini Devi. K.
Standing Counsel.

ORDER

This Writ Petition has been filed seeking a direction to call for the proceeding in Ma.Va.Na.Ka.No.H1/2510/2018, dated 12.04.2018 issued by the third respondent and to quash the same, and with a consequential direction to the respondents to pay the salary of the petitioner between January 2017 to March 2017 & July 2017 to November 2017 along with interest at the rate of 18% p.a and other benefits including increments and the amounts due, as per his claiming letter dated 20.09.2016 [being the amount spent by the petitioner under the Mass Vaccination of Stray Dogs (ARV)].

2.The Petitioner joined in service as Veterinary Assistant Surgeon (VAS) on 12.03.2014, in Chennai Corporation and now he is attached to



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Zone VI (Thiru.Vi.Ka. Nagar). The Petitioner was assigned with Technical Duty at "Kallikuppam Slaughter House (Zone VII) and Additional duties at XIV and Zone XV to supervise and to inspect Dog catching, Cattle catching, Pig catching and Inspection of Meat Stalls. The project of Mass Vaccination Scheme for street dogs was started on 20.07.2016, and it ended on 24.07.2016. On 20.09.2016, the amounts spent for the project was submitted as Rs.2,49,600/-. Since One lakh was paid by the Corporation as advance, the petitioner claimed the balance amount of Rs 1,49,600/. However, accusing that the petitioner has submitted false accounts for the amount, which has been released to him, the balance amount was withheld. Thereafter, the salary of the petitioner for the months of January 2017 - March 2017 & July 2017 – November 2017 were also withheld on flimsy grounds. On 12.04.2018, the third respondent issued a Charge Memo to the petitioner and also ordered withholding the salary of the petitioner. On 07.05.2018, the petitioner had given a reply to the alleged Charge Memo by denying all six charges. It is only a statement of imputations against him. Thereafter, on 21.12.2018, the Enquiry Officer conducted an enquiry and submitted his report without giving reasonable opportunity for the petitioner, thereby, making the conduct of the domestic enquiry a farce. On 11.01.2019, a second show-cause notice was given to the petitioner on the



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basis of the enquiry report, to which the petitioner submitted his detailed reply pointing out the lapses on 07.02.2019. However, no order has been passed on the said enquiry report and subsequent explanation. Therefore, the petitioner filed a representation dated 19.07.2019, to the first respondent to expedite the process on passing orders on the enquiry report and to pay the amounts withheld to the petitioner. Till date no order has been passed on the enquiry report and the pending seven month salary which has been withheld has also not been released to the petitioner.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

4. The learned counsel for the petitioner submitted that the present writ petition has been filed to conduct enquiry against the disciplinary proceedings initiated against the petitioner. Hence, the petitioner has made a representation dated 19.07.2019 before the first respondent to expedite the process on the enquiry report but no action has been taken by him so far.

5. The learned Standing Counsel appearing for the respondents submitted that now the investigation was conducted and the enquiry report



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has also been filed by the Investigation Officer. Hence, nothing survives in this Writ Petition for further adjudication.

6. In view of the above submission made by the learned Standing Counsel appearing for the respondents, this Writ Petition has become infructuous. No Costs. Consequently, the connected miscellaneous petitions are also closed.

15.11.2023

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

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To:

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- 2.The Joint/Deputy Commissioner (Health),
Greater Chennai Corporation, Chennai – 3.
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R.N. MANJULA, J.

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