



W.P.No.33357 of 2018

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**W.P.No.33357 of 2018**

M.Patties  
Former Divisional Fire Officer,  
Ramnad-Sivagangai Division,  
Ramnad,  
Residing at  
No.60, Samaiyan Nagar,  
SRKV Post,  
Coimbatore - 641 020. ... Petitioner

**Vs.**

- 1.The Sate of Tamil Nadu,  
Represented by its  
Secretary to Government,  
Home (SC) Department,  
Secretariat, Chennai - 9.
- 2.The Director of Fire and Rescue Services,  
Egmore, Chennai - 8. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling



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for the records connected in charge Memo Ku.Pa.No.9/97, dated 13.10.1997 of the 2nd respondent and quash the same and consequently direct the respondents to permit the petitioner to retire from service on attaining the age of superannuation with effect from 30.06.2005 and pay all the retirement benefits.

For Petitioner : Mr.K.Arumugam

For Respondents : Mr.M.S.Prem Kumar  
Government Advocate

### **ORDER**

This Writ Petitioner has approached this Court seeking for issuance of Writ of Certiorarified Mandamus to call for record in Charge Memo Ku.Pa.No.9/97, dated 13.07.1997 on the file of the 2nd respondent and quash the same and consequentially direct the respondents to permit the petitioner to retire from service on attaining the age of superannuation with effect from 30.06.2005 and pay all the retirement benefits.

2.The facts set out by the Writ Petitioner in the affidavit filed



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in support of the Writ Petition are that he was initially appointed as a Station Fire Officer on 02.11.1970 and was working in several Stations and posts and he was promoted and appointed as Divisional Fire Officer on 13.04.1991. She was also awarded the President's Medal for meritorious service in the year 1994 over looking several seniors in service. The petitioner has also stated that while he was working at Ramanathapuram, he was served with a charge memo dated 13.10.1997 by the Director, Fire Service, Chennai containing a charge pertaining to demand and acceptance of bribe from different persons amounting to Rs.18,250/- (Rupees Eighteen Thousand Two Hundred and Fifty only) for issuance of No Objection Certificate for fire license. The petitioner contends that on receipt of the charge memo, he has submitted his explanation on 04.04.1998 and an I.P.S. Officer was appointed to enquire into the matter against the petitioner. 11 witnesses were examined by the Enquiry Officer and the petitioner also submitted his written statement of defence, pursuant to which the Enquiry Officer sent a



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report to the Punishing Authority on 23.09.1998. On being furnished with the said report, the petitioner was directed to give a further representation and the same was also given by the petitioner on 09.12.1998. The petitioner sought for personal hearing. The Enquiry Officer thereafter, conducted a personal hearing and sent the report to the Government and the charge against the petitioner was proved. Once again the petitioner was given liberty to give further representation, which was also given on 10.05.2000. Thereafter, the impugned order of removal came to be passed.

3.The petitioner filed an appeal which was heard on 27.08.2001 which was treated as a review petition and rejected on 18.09.2002. confirming the punishment of removal from service. The said order of removal was served on the petitioner on 02.11.2002. The petitioner filed O.A.No.432 of 2003 before the Tamil Nadu Administrative Tribunal challenging the removal order. Due to abolition of Tamil Nadu Administrative Tribunal, the said



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O.A. was transferred to this Court and re-numbered as Writ Petition in W.P.No.13551 of 2007 and the same was allowed on 18.01.2011. This Court held that the enquiry was not proper and on the grounds of principles of natural justice and procedural irregularities, remitted the matter back to the Government. Subsequently, the 1<sup>st</sup> respondent called upon the petitioner to appear for the enquiry on 11.10.2011 and the petitioner had appeared along with Advocate and submitted documents also.

4.The grievance of the petitioner is that the disciplinary proceedings have not been concluded and final hearing has not passed despite an order dated 18.01.2011 in W.P.No.13551 of 2007.

5.The 2<sup>nd</sup> respondent has filed a counter narrating the various facts leading to the Writ Petition and also contending that there are no merits in the Writ Petition and there was no violation of High Court's order and the principles of natural justice. Personal hearing



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was afforded and further explanation was also obtained from the petitioner and they are under active consideration.

6.The counter affidavit is dated 02.03.2022. However, today on the hearing, the learned counsel for the respondents file a G.O.Ms.No.186 dated 19.04.2023. It is seen from the said G.O. that a final order has been passed in the disciplinary proceedings against the Writ Petitioner and the punishment of compulsory retirement has been imposed. This Court is really surprised that the disciplinary proceedings have been kept pending despite the order of this Court dated 18.01.2011. Such a delay ought to have been avoided in the interest of the justice and also the parties concerned. However, admittedly as on date, final orders have been passed in the disciplinary proceedings and it is open to the Writ Petitioner to challenge the same in a manner known to law. It is also stated that a copy of the final order have been dispatched to the Writ Petitioner as well. It is open to the Writ Petitioner to canvas all his grievances



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including the effect of delay in passing orders in the disciplinary proceedings, in a manner known to law.

7.Considering the fact that the petitioner is aged about 76 years now, the respondents shall pay all the terminal benefits to the petitioner in pursuance of the final orders passed on 19.04.2023, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the petitioner is aggrieved by the final orders passed by the 1<sup>st</sup> respondent in Go.Ms.No.186, Home (Police XVII) Department, dated 19.04.2023, he is at liberty to challenge the same in a manner known to law.

8.Accordingly, this Writ Petition is disposed of with the above directions. However, there shall be no order as to costs.

**09.06.2023**

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Internet:Yes

Index:Yes/No

Speaking order : Yes/ No

Neutral Citation:Yes/No

To

- 1.The Secretary to Government,  
Home (SC) Department,  
Secretariat, Chennai - 9.3
- 2.The Director of Fire and Rescue Services,  
Egmore, Chennai - 8.

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**P.B.BALAJI, J.,**

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