



W.P(MD)No.8810 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8810 of 2023

M.Rathinam

... Petitioner

Vs

1.The Principal Secretary to Government,
Rural Welfare & Panchayat Raj Department,
Chennai – 600 009.

2.The District Collector,
Karur District,
Karur.

... 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 take decision and pass orders on the recommendation made by the Tamilnadu Vigilance Commission in A.Sa.Ku.No.4003/Vi.Pa.Aa.II/2022-1 dated 15.12.2022 within a time limit which may be stipulated by this Court.

For Petitioner : Mr.G.R.Sathish

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.



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2. On 24.05.1984, the writ petitioner was appointed as Junior Assistant.

He promoted as Block Development Officer in the year 2013. He reached the age of superannuation in the year 2018. However, he was not allowed to retire. This was because he was found involved in a vigilance case. For the last five years, the petitioner's issue is hanging fire. The petitioner filed W.P(MD)No. 155 of 2022 and this Court had directed to conclude the disciplinary action against the petitioner within four months. Aggrieved by the same, the petitioner filed W.A(MD)No.504 of 2022 before this Court. An interim stay was granted and the Writ Appeal is still pending. The stand of the petitioner is that the ground on which he filed the Writ Appeal was that the entire file was struck with the vigilance commission and therefore, it is not possible for the Department to conclude the disciplinary action in the absence of the relevant records. The petitioner now points out that the vigilance has now recommended that the petitioner should be dealt with by the Tribunal for disciplinary proceedings. Therefore, notwithstanding the pendency of the Writ Appeal, the present writ petition came to be filed.

3. The only relief sought for in the writ petition is that the first respondent should take a decision on the recommendation made by the authorities. Notice was ordered.



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4. Today, when the matter was taken up for hearing, the learned Special Government Pleader on instructions submitted that the disciplinary action against the petitioner can be concluded within a period of twelve months. The petitioner is aged about 62 years. He had reached the age of superannuation in the year 2018. However, taking into account the facts already projected, time sought for cannot be said to be unreasonable. However, the respondents are directed to stick to the time line which they have undertaken before this Court. The first respondent shall take a call on the recommendation made by the vigilance commission at the earliest. If the first respondent decides to proceed against the petitioner departmentally before the Tribunal or even otherwise, the entire proceedings shall be concluded within a period of twelve months. The direction now given will apply to the Tribunal also if the case is referred to it.

5. This writ petition is disposed of accordingly. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

27.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Principal Secretary to Government,
Rural Welfare & Panchayat Raj Department,
Chennai – 600 009.
- 2.The District Collector,
Karur District,
Karur.

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