



W.A.(MD)No.920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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B.Nagasubramanian

... Appellant

Vs.

1. Tamil Nadu Food Safety and Drug Administration Department,
Rep. by Commissioner of Food Safety,
359, Anna Salai,
Chennai – 600 006.

2. The Designated Officer,
Food Safety and Drug Administration Department,
Collectorate Campus, Korampallam,
Tuticorin – 628 101, Tuticorin District.

3. The Designated Officer,
Food Safety and Drug Administration Department,
Dean Quarters, Tirunelveli Medical College Campus,
Palayankottai – 627 002, Tirunelveli District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order passed by this Court in W.P.(MD)No.8395 of 2023, dated 13.04.2023.



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For Appellant

: Mr.R.Nagasubramanian
Party-in-person

For Respondents

: Mr.T.Villavankothai
Additional Government Pleader

* * *

J U D G M E N T

(Judgment of the Court was delivered by **D.BHARATHA
CHAKRAVARTHY, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 13.04.2023 in W.P.(MD) No.8395 of 2023.

2. In the said Writ Petition, the appellant has prayed for quashing of the charge memorandum issued against him. The ground on which the charge memorandum has been challenged is that, when the petitioner came up before this Court on an earlier occasion by order dated 17.11.2021 in W.P.(MD) No.5724 of 2021, this Court has directed completion of the enquiry within a period of six months from the date of receipt of a copy of the order.

3. The appellant, appearing in person, would submit that as per the said order of this Court and also as per the service rules



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and as per the judgment of the Hon'ble Supreme Court of India, the disciplinary proceedings should be completed as expeditiously as possible, in any event not later than six months. In any event it cannot be prolonged beyond an year. Since the enquiry has been prolonged even after the directions of this Court, the charges should be treated as abated and the proceedings should be closed and the learned Judge ought not to have dismissed the Writ Petition.

4. Per contra, the learned Additional Government Pleader would submit that initially there was delay on the part of the appellant himself in submitting the explanation to the charges. He has submitted his explanation to the charge memorandum only after the direction of the learned Judge to complete the enquiry. After he has submitted his explanation, now an enquiry officer is appointed and if he cooperates, expeditiously the enquiry will be held on day to day basis and in any event the proceedings will be completed within 60 days from today.



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5. We have considered the rival submissions made on either side and perused the records of the case.

6. The rules relating to the completion of the disciplinary enquiry at an early date is at best a directive in the interest of the administration to complete the enquiry expeditiously and that will not give a concomitant right to the delinquent employee to pray for quashment of the charges if enquiry could not be completed within the said period.

7. In that view of the matter, we are unable to agree with the contentions of the appellant before us. Secondly, appellant would submit that he is due to retire in another 11 months and undue prolongation of the charges would cause harassment and also would come in the way of him being retired upon attaining age of superannuation.

8. In that view of the matter, taking into consideration the submission made by the learned Additional Government Pleader, we



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dispose of the Writ Appeal with the following orders:-

(i) The order dated 13.04.2023 in W.P.(MD) No.8395 of 2023 shall stand confirmed.

(ii) However, there shall be a direction to the respondents to expedite the disciplinary enquiry and complete the proceedings as expeditiously as possible, in any event not later than a period of 2 months from the date of receipt of a copy of the order.

(iii) It is needless to mention that both sides shall cooperate for conduct of the enquiry and expeditious closure of the matter.

(iv) The appellant will be entitled to raise all the defences during the enquiry.

No costs.

[S.S.S.R., J.] [D.B.C., J.]
12.07.2023

NCC : Yes / No
Index : Yes / No
sj



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and

D.BHARATHA CHAKRAVARTHY, J.

sj

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