



W.P.No.651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.651 of 2024

K.Subbiah

.. Petitioner

VS

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj
(E2) Department, Secretariat,
Fort St.George, Chennai - 09.
- 2.The Director of Rural Development and
Panchayat Raj Department,
4th and 5th Floor, Panagal Maligai,
Abdul Razak Street,
Saidapet, Chennai - 15.
- 3.The District Collector,
Development Section,
No.7/1, State Bank Road,
Gopalapuram, Coimbatore - 641 018.
- 4.The Director,
Directorate of Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai - 16.
- 5.The Deputy Director,
Office of the Directorate of Vigilance and
Anti Corruption, No.293, MKN Road,
Alandur, Chennai - 16.

*(R4 & R5 suo motu impleaded
vide order dated 11.01.2024)*

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forthwith permitting the petitioner to accompany his wife and daughter, a Doctor to take professional visit to Dubai and Abu Dhabi for 20 days from 20.01.2024 as an abundant caution, even though the trip is from 20.01.2024 to 27.01.2024 for the surveying and placing orders for Modern Medical Equipments for their Multi Specialty Hospital in the Trade Show relating to the International Hospital, Medical Equipment and Service Exhibition and Conference, Dubai and the consequential personal visit as has been permitted by this Court in an earlier occasion vide order dated 28.05.2019 made in W.P.No.14675 of 2019 and as permitted by the Hon'ble Apex Court in an identical circumstances made Civil Appeal No. 3802 of 2019 dated 09.04.2019 with the same conditions as stipulated in the earlier order.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader
for R1 to R3
Mr.R.Kishore Kumar
Government Advocate
for R4 & R5

ORDER

Read this order in continuation of and in conjunction with order dated 11.01.2024 that reads as follows:-

"Read this order in continuation of and in conjunction with order dated 09.01.2023 that reads as follows:-

"Learned Additional Government Pleader has circulated proceedings dated 09.01.2024 wherein the Director of the Rural Development and Panchayat Raj states that No Objection Certificate cannot be granted in view of pendency of disciplinary proceedings. The matters



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are pending from 2018 and the proceedings have not been concluded, despite the orders of this Court, including order dated 11.09.2018 passed in WP.No.23747 of 2018 fixing an outer time limit of six months for such completion.

2.Learned Additional Government Pleader shall obtain the status of the three disciplinary proceedings by 11.01.2024, in order that a time may be fixed for completion and the co-operation of the proceedings.

3.As far as the objection raised by the respondents, this Court does not find any merit in it in light of the pendency of the disciplinary proceedings at the instance of the respondents for the last six years.

4.List on 11.01.2024 at the end of admission list."

2. Today, details of four cases that are pending against the petitioner are produced. While the enquiry as regards the first three cases are stated to have been completed as early as in 2018, the matter is hanging fire on account of the fourth case initiated by the DVAC as early as on 19.07.2018. The details supplied in this regard are very sketchy and there is a vague statement that a clarification has been sought for from the Nilgiris detachment, where the petitioner was last posted. The pace at which the enquiry has progressed is most unsatisfactory. Hence, the Director, Directorate of Vigilance and Anti Corruption, No.293, MKN Road, Alandur, Chennai – 600 016 and the Deputy Director, Office of the Directorate of Vigilance and Anti Corruption, No.293, MKN Road, Alandur, Chennai – 600 016 are suo motu impleaded as respondents nos. 4 and 5, respectively and Mr.R.Kishore Kumar, learned Government Advocate, accepts notice for them. Registry to correct array. A report be filed as to why the cases initiated / registered as early as in 2018 are still pending.



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3. That apart, the prayer of the petitioner in this matter is for a mandamus permitting him to accompany his wife and daughter to travel to Dubai and Abu Dhabi for 20 days from 20.01.2024. The petitioner, has, however, purchased the ticket for a round trip leaving India on 20.01.2024 returning on 27.01.2024. Hence, this Court sees no reason to consider permission for any period in excess of the period of actual travel.

4. It is seen that the petitioner has approached this Court earlier on several occasions. On some occasions, the cause of action was to direct the respondents to complete the enquiry on the complaints initiated by the respondents. This Court, has issued orders fixing a time limit which has been completely violated by the respondents. [W.P.No.22998 of 2018 dated 05.09.2017 & W.P.No.24304 of 2018 dated 17.09.2018].

5. As far as the present cause of action is concerned, the identical position has been considered in W.P.No. 14675 of 2019 filed by the petitioner seeking permission to travel to America. The entire sequence of events has been captured as encapsulated in the preceding paragraphs by RMT. Teeka Raman.,J under order dated 28.05.2019.

6. There is no dispute as far as the narration of events is concerned. I have also ascertained that the pendency of the enquiry and delay in completion of proceedings is entirely attributable only to the respondents and there is no allegation that the petitioner has not cooperated or has procrastinated.

7. Written instructions circulated by learned Additional Government Pleader from the Directorate of Rural Department and Panchayat Raj / R2 states that no NOC can be issued in view of pending complaints. Since the delay caused is entirely attributable to the respondents, I find this stand unwarranted and unjustified.

8. Hence, the petitioner is permitted to travel between 20.01.2024 and 27.01.2024 to Dubai and Abu Dhabi. The petitioner will furnish



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an undertaking to the Registrar General of this Court forthwith that he will return to India on 27.01.2024 and report to this Court on 31.01.2024, on which date the matter is next posted.

9. List on 31.01.2024 at the end of admission list. Status report of R4 and R5 be filed by then."

2. Today, the petitioner marks his presence in the court. Learned counsel for the petitioner would confirm that the petitioner has travelled abroad as permitted and has returned to India in terms of the undertaken that was furnished to the Registrar General of this Court on 11.01.2024.

3. With this, nothing further survives in this writ petition and the same is closed. No costs.

4. As regards the pendency of disciplinary proceedings, both departmental as well as before the vigilance authorities, it is made clear that the same shall be decided expeditiously and in any event, within a period of sixteen weeks from the date of receipt of a copy of this order, in accordance with law and in line with the decisions of this Court passed earlier. It is made it clear that further extension of time will not be granted for compliance with the aforesaid directions.

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Index:Yes/No
Neutral Citation:Yes/No



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DR. ANITA SUMANTH,J.

ssm

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