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W.P.No.12783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12783 of 2024

M.Seeman

.. Petitioner

Versus

1. The Directorate of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Building,
College Road,
Chennai - 600 006.
2. The District Elementary Education Officer,
2nd Floor, Collectorate Buildings,
Ariyalur - 621 704.
3. The Principal Accountant General (A&E),
Teynampet,
Chennai - 600 018.
4. The Block Educational Officer,
Sendurai,
Ariyular District - 621 714.
5. K.Vaidhiyalangam .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents 1 and 2 to initiate appropriate disciplinary action against the 5th respondent by invoking Rule 17(b) and 17(e) of the Tamil Nadu Civil Services (Discipline



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and Appeal) Rules on the basis of the petitioner's representation, dated 18.01.2024 and 05.04.2024 and the proceedings of the 1st respondent herein in Na.Ka.No.2055/T4/2024, dated 08.02.2024, in terms of Rule 6 and Rule 9 of the Tamil Nadu Government Servants Conduct Rule, 1973 and to pass appropriate orders under FR 56(c) of the Tamil Nadu Government Fundamental Rules and further orders enabling withholding of an amount of Rs.22,08,483/- along with interest amount accrued till the date of actual payment to the petitioner herein, from the terminal benefits payable to the 5th respondent herein.

For Petitioner : Mr.M.Ravi

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader,
for RR-1, 2 and 4

: Mr.P.Manorajan, for R3

ORDER

This Writ Petition is filed for a direction to the respondent Nos.1 and 2 to initiate appropriate disciplinary action against the fifth respondent by invoking Rules 17(b) and 17(e) of the *Tamil Nadu Civil Services (Discipline and Appeal) Rules* based on the petitioner's representations, dated 18.01.2024 and 05.04.2024 and the proceedings of the first respondent, dated 08.02.2024.

2. Heard *Mr.M.Ravi*, learned Counsel for the petitioner, *Mrs.S.Mythreye Chandru*, learned Special Government Pleader for the



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respondent Nos.1, 2 and 4 and *Mr.P.Manorajan*, learned Counsel for the third respondent.

3. The learned Counsel for the petitioner submits that the representations of the petitioner are to take disciplinary action against the fifth respondent. The first respondent has already, by his communication, dated 08.02.2024, forwarded the complaint to the District Educational Officer to conduct an enquiry and submit the outcome of the enquiry to the directorate. He would submit that the individual namely, the the fifth respondent herein, is attaining the age of superannuation and is bound to retire with effect from 30.06.2024 and therefore, prays that this Court should direct the respondents to take disciplinary action.

4. Per *contra*, *Mrs.S.Mythreye Chandru*, learned Special Government Pleader for the respondent Nos.1, 2 and 4, submits that the respondents are considering the complaint in accordance with law. She further submits that as far as conducting disciplinary proceedings is concerned, it is within the domain of the respondents.



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

6. In view of the nature of the order passed in the Writ Petition, the same is passed without issuing notice to the fifth respondent at the admission stage itself. The petitioner is praying to take disciplinary action based on his representations. As far as the disciplinary action is concerned, as rightly denied by the learned Special Government Pleader, it is within the domain of the respondents. However, the respondents themselves seem to have taken a decision i.e., by the communication, dated 08.02.2024, the Director of Elementary Education has instructed the District Elementary Education Officer to conduct an enquiry in respect of the representations and send him the outcome. Therefore, the respondents are proceeding in the matter in accordance with law. They can proceed with the same and take a decision on merits and in accordance with law. Since the learned Counsel for the petitioner submits that the concerned individual is retiring with effect from 30.06.2024, this Court only directs the respondents to complete the said process by considering the representations and take a decision on



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their own in accordance with law as expeditiously as possible, in any event,
before the date of superannuation of the said individual.

7. With the above said directions, this Writ Petition is disposed of.

There shall be no order as to costs.

03.06.2024

Neutral Citation : no
grs

Note : Issue order copy on 04.06.2024.

To

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- Chennai - 600 018.
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D.BHARATHA CHAKRAVARTHY, J.

grs

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