



WEB COPY



WA No.1762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.1762 of 2023

V. Perumal
Appellant

..

Versus

1. The Secretary to Government of Tamil Nadu,
Human Resources Management Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai - 600 003.
3. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai - 600 003.
4. The Joint Secretary / Inquiry Officer,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai - 600 003.

.. Respondents

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 13.02.2023 passed in W.P. No.4184 of 2023 on the file of this

<https://www.mhc.tn.gov.in/judis>



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Court.

For Appellant

: Mr. G. Karthikeyan, Senior Advocate
for Ms. A. Jagadeeswari

For R1

: Mr. S. Yashwanth
Additional Government Pleader

For R2 to R4

: Mr. R. Bharanidaran

JUDGMENT

(Judgment of the Court was made by R. MAHADEVAN, J.)

The appellant has preferred this intra-court appeal, as against the order dated 13.02.2023 passed by the learned Judge dismissing the Writ Petition No. 4184 of 2023 filed by him.

2. The aforesaid Writ Petition No. 4184 of 2023 was filed by the appellant herein to issue a Writ of Mandamus directing the respondents 2 to 4 to consider his representation dated 09.12.2022 and reinstate him into service based on G.O. Ms. No.81, Human Resources Management (N) Department, dated 04.08.2022.

3. According to the appellant, he was appointed as Office Assistant in Tamil Nadu Public Service Commission on 05.07.2000 and was subsequently, promoted as Assistant Section Officer during November 2014.

When he was working as such, a criminal case came to be registered against him for leakage of question paper relating to Group - I written examination -



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2016. On the basis of registration of such case, the appellant was arrested on 23.12.2017. In view of his incarceration, on 26.12.2017, an order of suspension was passed against him. Thereafter, in the criminal proceedings, final report was filed, implicating the appellant as A8, and it was taken on file as C.C. No. 2 of 2021 on the file of the Special Court for Prevention of Corruption Act Cases, Chennai and the same is pending for trial. While so, stating that he has been kept under suspension from the year 2017 onwards without his suspension being reviewed for a long time, the appellant has filed the instant Writ Petition for the relief as stated supra.

4. The learned Judge, after hearing both sides, disposed of the aforesaid writ petition in the following terms:

"5. In the considered view of this Court, since the disciplinary proceedings have already commenced, it will be more appropriate if a direction is issued to the second respondent to complete the disciplinary proceedings within a period of twelve weeks from the date of receipt of a copy of this order."

Challenging the order so passed by the learned Judge, the appellant has filed a review petition in Review Petition No.32 of 2023 and the same was dismissed on 13.04.2023. Feeling aggrieved, the appellant is before this court with the present appeal.



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5. Today, when the matter is taken up for consideration, Mr.R.Bharanidaran, learned standing counsel appearing for the respondents 2 to 4 submitted that enquiry has already been commenced in the departmental proceedings initiated against the appellant, and the same would be completed on or before 30.04.2024.

6. In reply, the learned senior counsel appearing for the appellant submitted that the appellant will participate in the enquiry and that, the respondent authorities may be directed to complete the disciplinary proceedings, before 30.04.2024, as per the undertaking now given before this Court.

7. In view of the above submissions made by the learned counsel on either side, this court directs the respondent authorities to complete the enquiry and pass final orders in the departmental proceedings initiated against the appellant, on merits and in accordance with law, after affording opportunity of hearing to the appellant, on or before 30.04.2024. The appellant is also directed to extend his co-operation for completion of the disciplinary proceedings within the time indicated above.



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8. Accordingly, this writ appeal stands disposed of. No costs.

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[R.M.D., J] [M.S.Q.,
18.03.2024

J]

Index : Yes / No

Internet : Yes / No

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To

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