
(2014) 04 MAD CK 0277

In the Madras High Court

Case No : W.P. (MD) No. 495 of 2013 and M.P. (MD) Nos. 1 and 2 of 2013

C. Veerathevar

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 30-04-2014

Acts Referred:

Citation : (2014) 04 MAD CK 0277

Hon'ble Judges : K. Ravichandra Babu, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Ravichandrababu , J.—This writ petition is filed challenging the charge memo issued by the fourth respondent dated 13.11.2007, suspension order issued by the second respondent dated 29.6.2011 and the consequential order of the third respondent dated 29.6.2011 in not allowing the petitioner to retire from service. The petitioner further prayed for a direction to the respondents 2 and 3 to disburse the retirement benefits.

2. The case of the petitioner is as follows:-

2.1. He was appointed as Grade II Police Constable on 14.6.1976 and promoted as Head Constable in the year 1999 and further promotion was given as Sub Inspector of Police in the year 2005. He was due to retire on superannuation on 30.6.2011. However, two charge memos dated 13.11.2007 and 30.6.2009 were issued by the third and fourth respondents respectively against the petitioner. In respect of charge memo dated 30.6.2009, the departmental enquiry was conducted and the charges were held as not proved. Concurring with the report of the enquiry officer, the second respondent dropped all further proceedings through his order dated 15.2.2012. In respect of very same occurrence, a criminal case was also registered on the file of the Chief Judicial Magistrate, Dindigul and the same was also referred as mistake of fact.

2.2. Insofar as the other charge memo dated 13.11.2007 is concerned, as there

was no speedy action in pursuant to the issuance of the said charge memo, the petitioner filed a writ petition in W.P.(Md) No. 5295 of 2009 seeking for conclusion of the departmental proceedings expeditiously. An order came to be passed on 24.7.2009 in the above writ petition directing the departmental proceedings to be concluded within six months. As the proceedings have not been completed within the time stipulated, the petitioner filed contempt petition in Cont.P.(Md) No. 357 of 2012 as against the disobedience of the order made in W.P.(Md)No. 5295 of 2009. In the contempt petition, the respondents contended, by filing a counter affidavit, that the Government has been addressed to obtain concurrence of the Vigilance Commission, to drop further action and therefore the Director General of Police through his letter dated 30.5.2012 requested the Government to issue early order in consultation with the Vigilance Commission, to take a final decision. Thus, the Contempt petition was disposed on 9.7.2012 by directing the Principal Secretary to Government (Home) Department to pass orders in respect of the proposal dated 30.5.2012 submitted by the Director General of Police on or before 31.12.2012 insofar as the petitioner is concerned. In spite of specific direction given by this Court, both in the above writ petition as well as in the contempt petition, the first respondent has not chosen to pass any orders so far. Therefore, the present writ petition is filed challenging the above impugned orders as stated supra.

3. A counter affidavit is filed on behalf of the respondents wherein it is stated as follows:-

The petitioner was not allowed to retire since the disciplinary proceedings in PR.No.42/2009 and also in PR No. 8/2007 are pending against him. The disciplinary authority viz., the second respondent herein has ordered to drop further action in PR No. 42/2009 and the connected records were sent to the Director General of Police, Chennai for review and orders upon the same are still awaited. The criminal proceedings is pending trial in the Court of Principal Sessions Judge, Dindigul vide PRC No. 2 of 2010. Aggrieved against the initiation of the disciplinary proceedings, the petitioner has filed W.P.Nos. 5297 and 9649 of 2009 before this Court and both were dismissed on 24.9.2010. The writ appeals filed by the petitioner in W.A.Nos. 152 and 153 of 2011 were also dismissed on 7.2.2011. The disciplinary proceedings are finalised and sent to the Director General of Police for passing final orders in consultation with the Vigilance Commission. The respondents are taking effective steps to finalise the disciplinary proceedings and the criminal proceedings against the petitioner.

4. Mr.M.Ajamal Khan, learned Senior Counsel appearing for the petitioner submitted as follows:-

4.1. The petitioner was issued with two charge memos one in PR No. 8/2007 and another in PR No 42/2009. Admittedly, the disciplinary authority has dropped the disciplinary proceedings in respect of PR No. 42/2009. Insofar as PR.No.8/2007 is concerned, though this Court has already directed the Department to conclude the departmental proceedings within six months by its order dated 24.7.2009,

the respondents did not complete the proceedings within the time stipulated therein. When the petitioner filed the contempt petition in Cont.P.(Md) No. 357 of 2012, the learned Judge, by order dated 9.7.2012, directed the Government to pass orders in respect of the proposal submitted by the Director General of Police on or before 31.12.2012. Even then, the time granted by this Court has not been utilised and no final orders are passed. Therefore, the respondents are not entitled to pass any order thereafter as the time granted by this Court has already lapsed.

4.2. He relied on the the Division Bench decision of this Court reported in State of Tamil Nadu Vs. T. Ranganathan, to contend that after the expiry of the time, without any extension granted, the proceedings cannot be continued. He further submitted that want of opinion from the Vigilance Commission cannot be the reason for delaying the proceedings as such opinion is not binding on the disciplinary authority. For the said proposition, the learned Senior Counsel relied on the decision of the Division Bench of this Court reported in The Chairman, Union Bank of India, The General Manager (Pers), Union Bank of India and The Asst. General Manager, Industrial Relations Department, Zonal Office, Union Bank of India Vs. All India Union Bank Officers" Federation (Registered), Union of India (UOI) and The Central Vigilance Officer, Union Bank of India, and an unreported decision of this Court made in W.P.(Md)No.16735 of 2012 dated 27.9.2013. The learned Senior Counsel further submitted that no criminal proceedings are pending against the petitioner in respect of the charge memo issued in PR No. 8 / 2007. The criminal case which was pending against the petitioner was in respect of the second charged memo in RP No. 42/2009 only and the same also was referred to as mistake of fact as against the petitioner.

5. Per contra, the learned Additional Govt. Pleader appearing for the respondents reiterated the contentions raised in the counter affidavit and submitted that the matters are pending before the Government and orders are awaited for completion of the disciplinary proceedings initiated against the petitioner.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. In this case, the petitioner was issued with two charge memos in PR No. 8/2007 and PR.No.42/2009. The charge memo in PR No. 42/2009 contained three charges. All the three charges were in respect of alleged torturing one Kousalya and her husband at the Police Station by the petitioner and others which made the said accused person to attempt to commit suicide by jumping into the well and to sustain grievous injury. A Criminal case in Cr.No.7/2001 was also registered in respect of the very same alleged occurrence against the petitioner and others. It is seen that the said case was treated as mistake of fact in RCS.No.5/2004 by the Chief Judicial Magistrate, Dindigul through the order dated 31.12.2004. It is further seen that the CrI.O.P No. 16689 of 2001 filed by the said accused before this Court seeking for transfer of the criminal case to CBCID was also dismissed on 31.1.2003. Thus, the departmental proceedings

initiated against the petitioner in respect of the said charge in PR No. 42/2009 resulted in dropping further action against the petitioner based on the findings of the enquiry officer. Such dropping of the disciplinary proceedings was ordered by the disciplinary authority on 15.2.2012. However, it is stated by the respondents in the counter affidavit that pursuant to the order passed by the disciplinary authority, connected records were sent to the Director General of Police, Chennai for review and orders upon the same are still awaited. It is further seen that the Director General of Police also addressed the Government through his proceedings dated 30.5.2012 requesting to issue early orders of the Government in consultation with the Vigilance Commission to take a final decision on all 11 PRs. Insofar as this charge memo in RP No. 42/2009 is concerned, no doubt the petitioner has approached this Court by filing W.P.(Md) Nos. 5297 and 9649 of 2009 and those writ petitions were dismissed on 24.9.2010 by the order of the learned single Judge. Therefore, it is clear that insofar as the PR No. 42/2009 is concerned, no direction was issued by this Court to complete the disciplinary proceedings. However, only in the contempt petition filed against the non-compliance of the orders passed in W.P.(Md) No. 5295 of 2009, a direction was issued to the Government to pass orders in respect of the proposal sent by the Director General of Police dated 30.5.2012 as expeditiously as possible on or before 31.12.2012. Admittedly, till this date the Government has not passed any orders so far. Even though time granted by this Court in the contempt proceedings had expired on 31.12.2012 itself, the respondents have not taken any steps to get extension of the time granted in the said order. This is what the state of affairs, as on today, insofar as the charge memo issued against the petitioner in PR No. 42/2009 is concerned.

8. Insofar as the other charge memo in RP No. 8/2007 dated 13.11.2007 is concerned, the same was issued alleging that the petitioner along with others have received a sum of Rs.4,49,920/- as a bribe from the distributors of essential commodities to the public. As the said charge memo issued in the year 2007 was not proceeded further and the same was kept pending for a long time, the petitioner approached this Court and filed a writ petition in W.P.(Md) No. 5295 of 2009 seeking for a direction to the Inspector General of Police to conclude the disciplinary proceedings initiated against the petitioner in respect of the charge memo in RP No. 8/2007. In the said writ petition, an order came to be passed on 24.7.2009 wherein this Court has granted six months time to conclude the departmental proceedings. The relevant para 2 of the order reads as follows:-

2. This Court, taking into consideration the limited scope of the prayer sought in this writ petition, direct the Superintendent of Police, Civil Supplies, Criminal Investigation Department, Madurai to conclude the departmental enquiry initiated against the petitioner in P.R. No. 8 of 2007 as expeditiously as possible and not later than six months from the date of receipt of a copy of this order. The petitioner shall also extend his maximum co-operation for early conclusion of the disciplinary proceedings. Registry is directed to mark a copy of this order to the

Superintendent of Police, Civil Supplies, Criminal Investigation Department, Madurai.

9. Thus, the respondents, as directed by this Court, ought to have completed the disciplinary proceedings and passed the final orders within six months from the date of receipt of copy of the order. But they have not done so. This prompted the petitioner to file a contempt petition in Cont. P.(Md) No. 357 of 2012 before this Court. In the contempt petition, the Director General of Police filed a counter affidavit and contended that he has addressed the Government to obtain concurrence of the Vigilance Commission to take a final decision in respect of all 11 PRs and that the orders of the Government are awaited. Taking note of the said submission, the learned Judge disposed of the contempt petition by specifically directing the Government to pass orders on the proposal sent by the Director General of Police on or before 31.12.2012. The relevant order of the learned single Judge passed in the contempt petition reads as follows:

2. The first respondent has filed a counter affidavit and in paragraphs 10 and 11, it is averred as follows:-

10. It is humbly submitted that the Inspector General of Police, EOW, Chennai-40 after going through the voluminous records in all the 11 PR files forwarded the PR files to the Director General of Police, Chennai-4 in his letter in C.No.A2/EOW/11147/2010, dated 03.03.2011 and 08.03.2011, reporting that he had proposed to drop further action on the above 11 PRs, and that Government may be addressed to obtain the concurrence of the Vigilance Commission to drop further action, as the departmental action was initiated as a sequel to the investigation concluded by the Directorate of Vigilance and Anti-Corruption (DVAC) coming under the purview of the Vigilance Commission.

11. It is submitted that accordingly the Director General of Police, Chennai-4, in his letter in RC.No.113558/Con.V(2)/2007, dated 30.05.2012 has addressed the Government and requested to issue early orders of the Government in consultation with the Vigilance Commission to take a final decision on these 11 PRs. Government Orders are awaited.

3. The learned Additional Government Pleader drawing the attention of this Court to the typed set of papers pertaining to the enquiry report and also the counter affidavit would submit that a proposal has already been forwarded to the Government to take a final decision with regard to dropping of 11 PRs, including the case of the petitioner also and he may require six months time to get response from the Government.

4. The Principal Secretary to Government, Home (Police-IV) Department, Secretariat, Chennai 9 is directed to pass orders in respect of the proposal in Rc.No.113558/Con.V(2)/2007, dated 30.5.2012 submitted by the Director General of Police, Tamil Nadu, as expeditiously as possible on or before 31.12.2012 insofar as the petitioner is concerned.

5. The Contempt Petition is disposed of accordingly.

10. From the perusal of the order passed in the above contempt petition, it could be seen that the Inspector General of Police has already taken a decision to drop all the 11 PRs and hence requested the Director General of Police to get orders from Government after getting concurrence from Vigilance and Anti Corruption Wing. Accordingly, the Director General of Police has informed this Court that the matters are pending before the Government and only after getting its order the enquiry proceedings could be completed. By taking note of such submission, even though this Court has granted time till 31.12.2012, till this date, the Government namely, the first respondent herein has not passed any order. Therefore, it could be seen that both in respect of PR No. 8/2007 as well as PR No 42/2009, the time granted by this Court on two occasions have not been complied with by the respondents and on the other hand, the counter affidavit filed in the year 2014 in this writ petition only states that the matters are still pending before the Government.

11. Insofar as the criminal case is concerned, the very disciplinary authority himself has pointed out in his order dated 15.2.2012, while dropping the proceedings, that a criminal case in Cr.No. 07/2001 was treated as mistake of fact by the Chief Judicial Magistrate, Dindigul through the order dated 31.12.2004. When that being his finding, I am not able to understand as to how the respondents in their counter affidavit can say that the criminal case is pending against the petitioner. No other materials are placed before this Court indicating the pendency of any criminal case against the petitioner. Even otherwise, it is to be noted that the said criminal case originally filed was in respect of the occurrence relatable to the charge memo issued in PR.No. 42/2009 only. It is not the case of the respondents that a criminal case is pending in respect of the occurrence alleged to have been committed in respect of the charge memo issued in PR No. 8/2007.

12. The learned Senior Counsel relied on the decision reported in State of Tamil Nadu Vs. T. Ranganathan, to contend that the respondents cannot proceed further if the proceedings are not completed within the time frame given by this Court. In paragraphs 21,22 and 23 of the above decision it is held as follows:

21. It is well settled in law that once a competent Court fixes an outer time limit to complete the enquiry and pass final orders, the parties to the proceedings are bound to strictly adhere to the time granted to comply with the said order. If on any reason the time fixed by the competent Court is unable to be adhered to and the proceedings are unable to be finalised, the party to the proceedings can approach the very same Court seeking extension of time stating sufficient reasons and once valid reasons are given, normally the Court/Tribunal would extend the time, depending upon the facts and circumstances of the case. Admittedly the said procedure has not been followed in this case and the department has chosen to ignore the direction given by the Tribunal, which is binding on them.

22. (a) Similar issue arose before the Honourable Supreme Court in SLP No. 2103 of 1987 and the Supreme Court considering the time fixed in similar case, refused to grant permission to continue with the disciplinary proceeding, even though in the said case, factually after the retirement of the person concerned. The operative portion of the order dated 1.9.1989 reads as follows,

The Central Administrative Tribunal, Allahabad Bench by its order dated 1.8.86 directed:

In the result we order that the disciplinary case against the Petitioner, charge sheet for which was given to him on 22.9.83 i.e., more than two years back should be finalised within a period of six months and depending on the results of the same and pending dues, promotion if any and any of the reliefs that he has asked and to which he becomes eligible may be given to him within a month thereafter including reimbursement of expenditure for attending the enquiry after his retirement. The administration will keep in mind the delays in payments made to him and any interest charges that may become due on account of delayed payments for which he is not responsible may also be paid to him at the rate of 15% per annum

Then direction of the Tribunal in this SLP has not been stayed, and therefore, remained operative. As the steps envisaged in the order of the Tribunal were not completed and the Respondents wanted the benefit under the order of the Tribunal, the Administration was called upon to finalise the proceedings. It is stated that on 5.5.88 a cut in the pension to the extent of 30% was recommended and the recommendation has remained with the appropriate authorities for more than a year and three months to be dealt with one way or the other. Several adjournments were granted in this Court to get the finalisation of the proceedings and in spite of repeated adjournments on each adjourned date the counsel for the Union of India has been stating that the matter would soon be finalised. When the matter is taken up today, counsel for the Union of India still indicates that no final orders have been obtained. We find that the tribunal has not quantified the claims of the employee. In the circumstances, it is difficult for us to indicate what exactly are the dues to which he has become entitled. The matter shall go back to the Tribunal for computation of the exact dues and the Tribunal is directed to do the same within three months from today, if necessary after hearing the parties. In view of the fact that mandatory direction of the Tribunal that the disciplinary proceedings which were then pending should be completed within six months and more than three years and one month have passed by now and the proceedings have not been completed, we quash the proceedings. An employee after retirement cannot be harassed by continuing a disciplinary action of this nature. The Tribunal while disposing of the matter had taken note of the fact that the proceedings had been initiated after the retirement and more than two years had passed by then and yet it had not been finalised. Taking that aspect into consideration, the direction to complete the proceedings within six months had been given. This should have been

sufficient warning to the administration for early disposal of the proceedings. This is why justice demands the quashing the proceedings. There will be no order as to costs.

(Emphasis Supplied)

(b) One of us (N. Paul Vasanthakumar, J.) had an occasion to consider similar issue in the decision reported in Dr. N. Shahida Begum Vs. State of Tamil Nadu, and in W.P. No. 31317 of 2004, etc., order dated 12.12.2008 (M. Xavier v. State of Tamil Nadu and Anr. W.P. No. 31317 of 2004) and allowed similar prayers and held that after expiry of the time, without extension of time granted by the Tribunal, the proceedings cannot be continued.

(c) In the Division Bench judgment reported in B. Krishnan Vs. Tamilnadu Water Supply and Drainage Board, presided over by one of us (Eliphe Dharma Rao, J.), similar issue was considered as to whether the department can proceed further if the enquiry was not completed within the stipulated time in spite of rejection of the petition seeking extension of time. It is held therein that the department cannot proceed further as the time limit granted originally and extended subsequently, got expired. Paragraphs 6 and 7 of the said judgment can be usefully referred to which read as follows:

6. Heard the learned Counsel for both sides and perused the records. It is clear that when the Petitioner was working as an Executive Engineer at Ooty, on the basis of the audit report for the year 1981-82 to 1987-88, disciplinary proceedings were initiated and he was placed under suspension on 02.09.1988 for the irregularities committed by him. When they failed to complete the enquiry, he approached this Court by filing W.P. No. 19276 of 1992 and it was disposed of with a direction to complete the enquiry within a period of three months and when it was not complied with, a petition for extension of time was filed and the same was rejected, directing to reinstate him. Thereafter, he was reinstated by order dated 12.03.1993 as Deputy Superintending Engineer. After lapse of two years, when his retirement was due on 31.05.1995, the Respondents revived the proceedings and placed him under suspension on 29.05.1995. Simultaneously another order was issued not permitting him to retire in view of the criminal investigation by Directorate of Vigilance & Anti-corruption. One Enquiry Officer was appointed on 30.11.1996 but orders were not passed. Hence, he was constrained to file W.P. No. 1247 of 19% and this Court granted time to complete the enquiry within three months, which was not complied with. Thereafter, time was extended to pass a final order on the ground that enquiry shall be completed within one month. Even then no orders were passed and the second Enquiry Officer was appointed and when further time was prayed, this Court has refused to grant the same. Therefore, when once the Court has refused to extend the time for completion of enquiry, the Petitioner filed the contempt petition for non-compliance of the order dated 26.11.1997 passed in the miscellaneous petition filed in W.P. No. 1247 of 19%. The learned Judge, while closing the contempt petition, allowed the writ Petitioner to peruse

the records and submit his explanation within the period as stated in para 11 of the affidavit and the Respondents are directed to pass a final order.

7. Accordingly, the Respondents passed the impugned order, which, in our considered view, is without any authority and is liable to be set aside on the ground that when this Court refused to extend the time for completing the enquiry for the alleged irregularities committed by him during the period from 1981-82 to 1987-88 when he was working as Executive Engineer, Ooty (on the basis of the audit report) and by virtue of the orders passed by this Court, he was reinstated and even though time was granted to complete the enquiry, they failed to complete the same.....

(d) Before the Division Bench of the Bombay High Court also similar issue was raised and the Division Bench in the decision reported in Ramrao Ramchandra Datir Vs. State of Maharashtra and Another, held that the department cannot proceed further with the charge memo. In paragraphs 6 to 8 it is held thus,

6..... In the instant case, it is not in dispute that the first charge-sheet dated March 10, 1986 consisted of eight charges. The Petitioner has challenged the validity of the same in Writ Petition No. 598 of 1986 and this Court on March 24, 1986 permitted the Petitioner to withdraw the petition by specifically observing that the enquiry should be completed and the report to be submitted not later than June 15, 1986. The application for extension of time to complete the enquiry was dismissed vide order dated August 14, 1986. On the backdrop of these undisputed facts, it was incumbent on the Respondent to complete the enquiry and submit the report of such enquiry on or before June 15, 1986. Since the Respondent failed to complete the enquiry within the stipulated period, the right to proceed with the enquiry after June 15, 1986 came to an end, consequently, the enquiry so initiated vide charge-sheet dated March 10, 1986 stands vitiated after June 15, 1986. 7. In the instant case, the Respondents have evolved a novel method for conducting the departmental enquiry against the Petitioner by issuing fresh charge-sheet dated August 9, 1988 wherein the alleged charges which are framed against the Petitioner are totally identical with that of the charges framed in earlier charge-sheet dated March 10, 1986 and the misconduct which is alleged is also the same, which was part and parcel of the earlier charge-sheet dated March 10, 1986. The fact that the charges are identical in nature is not disputed by the Respondent. Similarly, the list of documents and list of witnesses relied on by the Respondent for proving the charges in the second charge-sheet are also identical in nature with that of relied on by the Respondent for first charge-sheet dated March 10, 1986. On the backdrop of the above referred facts, it is evident that the Respondent, by virtue of this exercise, wants to reopen the case of departmental enquiry against the Petitioner on the same set of facts and for the same misconduct which, in our considered view, is not permissible in law.

8. As we have already observed hereinabove, after June 15, 1986, the Respondent lost the legal right to proceed with the departmental enquiry against

the Petitioner by virtue of the specific order dated March 24, 1986 passed by this Court in Writ Petition No. 598 of 1986 and therefore, the question of starting new enquiry by fresh charge-sheet dated March 9, 1988 on the same set of charges and for the same misconduct, does not arise.

(e) The Honourable Supreme Court in the decision reported in 2007 (6) S 97 (The Commissioner Karnataka Housing Board v. C. Muddaiah 2007 (6) S 97) held that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. In paragraph 31 it is held thus,

31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.

23. We are conscious of the fact that if there is non-cooperation of the delinquent officer to comply with the time limit fixed by the Court/Tribunal to complete the enquiry and pass final orders in disciplinary proceedings, the Department cannot be blamed. In such contingency it is for the Department to point out the non-cooperation on the part of the delinquent officer in finalising the proceeding and the hardships faced by the Department in not strictly adhering to the time schedule due to the fault of the delinquent officer or for any valid reason and get appropriate orders seeking extension of time. At this juncture, it is relevant to point out that even if the time granted originally to complete the enquiry is over, nothing prevented the Department from filing appropriate application after expiry of the time. It is now well settled in law that application seeking extension of time can be filed and the Court are having inherent powers to grant further time, even though the original time granted got expired, based on the principles of invoking inherent powers to meet the ends of justice. In this case, there is no whisper about the non-cooperation of the Petitioner in conducting the enquiry and completing the enquiry within the time. Hence the Department is bound to comply with the directions issued by the Tribunal in O.A. No. 1535 of 2003.

13. From the perusal of the above decision, it is seen that once a time limit is fixed by the Court for passing an order of completion of the proceedings, cannot be continued or orders cannot be passed after the expiry of the time limit without getting extension of time from the Court which granted the time earlier. At least after filing of this writ petition and getting notice in the same, the respondents should have shown some interest by making an attempt to file application for extension of time. They have not done so. Further, it is not the

case of the respondents that the petitioner was the reason for the delay in completing the disciplinary proceedings within the time stipulated. On the other hand, it is admitted by them that the matters were placed before the Government seeking for its orders.

14. Further, the lethargic attitude of the respondents could be seen by the following dates and events. By order dated 24.7.2009, this Court has granted six months time to conclude the disciplinary proceedings in respect of PR No. 8/2007. But the respondents have not taken steps within the time to comply with the order. They did not file any petition seeking extension. The petitioner after waiting for nearly three years has filed a contempt petition in Cont.P.No. 357 of 2012. Only in that proceedings a counter affidavit was filed by stating that the Inspector General of Police has forwarded the PR files to the Director General of Police on 3.3.2011 and 8.3.2011 and the Director General of Police has addressed the Government on 30.5.2012 requesting to issue early orders. The respondents should have atleast utilised the opportunity after obtaining a time limit fixed by this court in the above said contempt proceedings. But they have not chosen to pass orders on or before 31.12.2012 as directed by this Court. Therefore, it is crystal clear that the respondents have not only complied with the order passed by this Court by strictly adhering to the time limit fixed therein and also have shown their lethargic attitude in not concluding the disciplinary proceedings initiated against the petitioner. The respondents have not chosen to seek for extension of time even after filing of this writ petition by the petitioner. This shows that the respondents are not really interested to proceed against the petitioner any more and they want the proceedings to get lapsed on its own. Further, it could be seen that the Inspector General of Police also wanted to drop the proceedings in respect of all 11 PR files as is evident from the counter filed in the above said contempt petition.

15. The learned Senior Counsel for the petitioner relied on the decision reported in The Chairman, Union Bank of India, The General Manager (Pers), Union Bank of India and The Asst. General Manager, Industrial Relations Department, Zonal Office, Union Bank of India Vs. All India Union Bank Officers' Federation (Registered), Union of India (UOI) and The Central Vigilance Officer, Union Bank of India, and the unreported decision of the learned single Judge made in W.P. No. 16735 of 2012 dated 27.9.2013 to contend that the opinion of the Vigilance Commission is not mandatory for concluding the disciplinary proceedings as it is not binding on the disciplinary authority. As I am convinced that the impugned proceedings initiated against the petitioner cannot be proceeded with in view of the lapse of time, I am not inclined to go into that issue and consequently, those decisions are not taken into consideration to the present facts and circumstances of the case.

16. Accordingly, the writ petition is allowed and the impugned orders are set aside. Consequently, the respondents are directed to extend all the retirement benefits to the petitioner within a period of twelve weeks from the date of receipt

of copy of this order. The connected M.Ps are closed. No costs.