
(2006) 04 MAD CK 0238

In the Madras High Court

Case No : Writ Petition No. 5970 of 2006 and W.P.M.P. No. 6453 of 2006

S. Gandhi

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 03-04-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 3 MLJ 80

Hon'ble Judges : N. Paul Vasanthakumar, J

Bench : Single Bench

Advocate : G. Selvaraju, SC, for the Appellant; D. Malarvizhi, GA, for the Respondent

Judgement

N. Paul Vasanthakumar, J.—The prayer in this writ petition is to quash the order dated 21.04.2000 passed by the second respondent.

2. The brief facts necessary for the disposal of this writ petition is that the petitioner was issued a charge memo on 21.04.2000 for the alleged

lapses said to have been taken place in the year 1996. In the year 1996, when the petitioner was working as Special Tahsildar (Adi Dravidar

Welfare) at Kangeyam, the said charge memo was issued alleging four charges, namely,

Charge No.1:

That Thiru.S.Gandhi, formerly Special Tahsildar (ADW) recommended fixation of land value based on documents which were intentionally created

for fixing exorbitant and inflated value in the following cases, against the instructions issued in G.O.Ms.No.146 Adi Dravidar Tribal Welfare

Department, dated 14.08.1995.

Sl.No

Name of the Taluk

Village

S.F.No

Extent proposed for P.N.

S.T.S. File No. & Date

1

2

3

4

5

6

1.

Dharapuram

Bommanallur

216/1

2.04.0

Hect.

LA 5/996 A

12.07.1996

Sl.No

Collr"s.

File No.

Doc. No. &

Date

Value of the proposal for private purchase

Stamp Duty to be paid at the time filing Suit for cancellation of doc. (Rs.)

7

8

9

10

1

53318/9

6

2023/98

19.08.98

7,81,200

58,590

Total

7,81,200

58,590

Charge No.2:

That be failed to enquire and verify the genuineness of beneficiaries on or before the date of proposals in respect of the above cases, in violation of

the instructions issued in Commissioner of Land Administration's Lr.No.I-1/2306/93 dated 26.04.93.

Charge No.3:

That he is responsible for an unnecessary expenditure of Rs.7,81,200/- by way of deposit in the court in respect of the document No.2023/98

dated 19.08.98.

Charge No.4:

That he is responsible for incurring an unnecessary expenditure of Rs.58,590/- towards Court Fee for the Civil Suits proposed to be filed for

cancellation of the document and thus by his act loss of revenue mounting to Rs.58,590/- was caused to Government.

3. The learned counsel for the petitioner submitted that an enquiry was conducted for the said charges and the Enquiry Officer found that none of

the charges against the petitioner are proved. The Enquiry Officer's report is dated 21.08.2001. The learned counsel for the petitioner further

submitted that the Disciplinary Authority differed with the findings of the Enquiry Officer and directed the petitioner to submit his explanation and

the same was also furnished on 27.12.2005 and no order is passed by the first respondent till date. The petitioner, therefore, filed a writ petition in

W.P.No.39773/2005 before this Court and prayed for a direction to the

respondents to consider and pass orders on the disciplinary proceedings against the petitioner in the charge memo dated 21.04.2000 issued by the second respondent. This Court, by order dated 13.12.2005, directed the first respondent to consider the representation of the petitioner dated 30.04.2004 and pass orders thereon, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of the order.

4. The learned counsel for the petitioner submits that the said order copy was enclosed on 27.12.2005 followed by a reminder dated 11.01.2006

and till date no order is passed by the first respondent in terms of the earlier directions given. The learned counsel further submits that the petitioner

retired on 28.02.2006 and due to the pendency of the disciplinary proceedings, he is unable to get his terminal benefits. The learned counsel cited

a Judgment of this Court made in W.P.No.3538 & 3539 of 2006 dated 27.02.2006, wherein this Court considered a similar issue with regard to

the non-compliance of the directions given to complete the disciplinary proceedings and ultimately, this Court fixed a further time limit upto

31.03.2006 to pass final orders and if no orders are passed, it is deemed that the charges levelled against the petitioner are dropped and the

petitioner is exonerated. The learned counsel for the petitioner, citing the said Judgment, requested this Court to pass similar order, fixing a time

limit.

5. Taking into consideration of the above aspects i.e., the date of the charge memo, the completion of enquiry and the submission of explanation

and taking note of the earlier order of this Court passed in the very same

petitioner's case on 13.12.2005, I am of the view that in the interest of the justice, a direction is given to the first respondent to pass orders one

way or the other, on or before 15.05.2006 and if the time limit given to pass orders is not complied with, the charge memo leveled against the

petitioner in the impugned charge memo shall be treated as dropped and the petitioner is exonerated from the charges fully and the disciplinary

proceedings initiated in this respect is lapsed.

6. The writ petition is ordered in the above terms. No costs. Consequently, connected W.P.M.P. is closed.