

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19058 of 2015

P.Pichumani

... Petitioner

Vs.

The Government of Tamil Nadu
rep.by its Principal Secretary,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 600 009. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent herein to forthwith consider and pass orders on the appeal dated 24.11.2014 of the petitioner in the light of the order of the TWAD Board in B.P.Ms. No.14 (ESTT. (DP) WING), dated 18.03.2008 and the Order of the respondent in G.O.(2D) No.87, MA & WS Department, dated 26.08.2011.

For Petitioner : Mr.K.Doraisami, Sr.Counsel
for Mr.Muthumani Doraisami

For Respondent : Mr.Vijayaprakash Narayanan
Special Government Pleader

ORDER

The prayer in the writ petition lies in a narrow compass. The petitioner was appointed as Junior draughting Officer in the Tamil Nadu Water Supply and Drainage Board, (in short, 'TWAD Board'). While so, he was issued a charge memo dated 12.2.2002 under Rule 9(b) of the TWAD Board Employees (D&A) Regulation, 1972. Thereafter, an enquiry was conducted. Based on the report of the Enquiry Officer, the Managing Director, TWAD Board passed an order dated 12.3.2007 imposing a punishment of withholding of increment for a period of one year without cumulative effect. Thereafter, the petitioner filed a review petition as per Regulation 15(a) (1) of the TWAD Board Employees' (D&A) Regulations, 1972. The Board rejected the review petition on 3.4.2009.

2. According to the petitioner, the petitioner filed appeal dated 24.11.2014 to the respondent seeking to interfere with the punishment imposed against him. It is the grievance of the petitioner that one Thiru.T.Rajalingam, Deputy Superintending Engineer, TWAD Board was also imposed with the punishment of stoppage of increment for two years with cumulative effect and on appeal the Government modified the same as ''censure'' in G.O.(2) No.87, MA & WS Department dated 26.08.2011. In these circumstances, the petitioner has sought for disposal of his appeal dated 24.11.2014 in the light of the facts as stated above.

3. Heard Mr.Vijayaprakash Narayanan, learned Special Government Pleader appearing for the respondent.

4. In view of the narrow prayer made, the respondent is directed to consider and pass orders on the appeal dated 24.11.2014 made by the petitioner in the light of the facts as stated above, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

5. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Principal Secretary,
Municipal Administration &
Water Supply Department,
Secretariat, Government of Tamil Nadu
Chennai - 600 009.

+1cc to M/s. Muthumani Doraisami, Advocate, S.R.No.32161

+1cc to the Government Pleader, S.R.No.32619

MP(CO)
EU(09/07/2015)

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