

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17709 of 2007
(O.A.No.1773 of 2004)

A.Subramani

.. Petitioner

-vs-

The District Collector
Dindigul District
Dindigul

... Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the respondent in R.C.No.13208/2001/RD1(1) dated 05.04.2004 and quash the same and consequently to promote the petitioner as Extension Officer in the panel of the year 2004.

For Petitioner :: Mr.K.Raja

For Respondent :: Mr.N.Srinivasan
Additional Government Pleader

ORDER

The petitioner, aggrieved by the order of stoppage of increment for a period of three months without cumulative effect, approached the Tamil Nadu Administrative Tribunal in O.A.No.1773 of 2004, on the ground that at the time of taking charge of A3 section as Assistant on 29.6.2001 in the office of Assistant Director (Panchayat), Dindigul District, 111 files were handed over to him. However, out of these 111 files, 39 files were pending for more than one year. The petitioner completed 37 files from 29.6.2001 to 5.12.2001. In addition, he had completed 30 files during the period from 29.6.2001 to 5.12.2001 and thus he had completed 67 files during the said period. Besides, new files numbering 90 were made ready during the period from 29.6.2001 to 5.12.2001 and out of 90 files, 52 files were closed, as a result, from 29.6.2001 to 5.12.2001, the petitioner had completed 119 files. Therefore, the petitioner, who had taken charge of A3 section as Assistant on 29.6.2001, cannot be found fault with for not attending the questionable files. During the pendency of the O.A., the Tribunal got liquidated, resultantly, the O.A. came on

transfer and renumbered as the writ petition.

2. Learned counsel for the petitioner, challenging the impugned order of punishment, submitted that a mere reading of the impugned order clearly shows that the four unattended files in question, namely, bearing File Nos.A3/3818/99, A3/2284/2000, A3/2822/99 and A3/7304/2000 were taken up for action for the first time on 28.11.2001, 17.9.2001, 4.12.2001 and 27.9.2001 respectively, when the petitioner took over charge of A3 section only on 29.6.2001. However, the charge that the petitioner had not taken action in respect of the aforesaid four files, which were pending in A3 seat from 28.5.2001, 8.6.2001, 15.6.2001 and 7.5.2001 respectively, is absolutely unjustified, since the petitioner admittedly took charge of A3 seat only on 29.6.2001. As the said fact has been completely lost sight of by the disciplinary authority, the impugned order is liable to be set aside on the sole ground of non-application of mind.

3. Heard the learned Additional Government Pleader for the respondents.

4. This Court is unable to agree with the submissions made by the learned counsel for the petitioner. The reason is simple and clear. The petitioner, after taking charge of A3 section as Assistant on 29.6.2001, for the first time, has taken action in respect of File No.A3/3818/99 only on 28.11.2001 with a delay of six months. Again in respect of File No.A3/2284/2000, he has taken action only on 17.9.2001 with a delay of more than three months. Similarly, in respect of File No.A3/2822/1999, he has taken action only on 4.12.2001 with a delay of about six months. Equally, in respect of File No.A3/7304/2000, he has taken action only on 27.9.2001 with a delay of more than four months, though the said files were very much pending in the seat of A3 on the day of the petitioner taking charge. Therefore, the disciplinary authority, not satisfied with the explanation submitted by the petitioner to the show cause under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, imposed the minor punishment of stoppage of increment for a period of three months without cumulative effect on the petitioner for dereliction of duty. Hence, this Court does not find any infirmity in the impugned order. Accordingly, the writ petition fails and it is dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

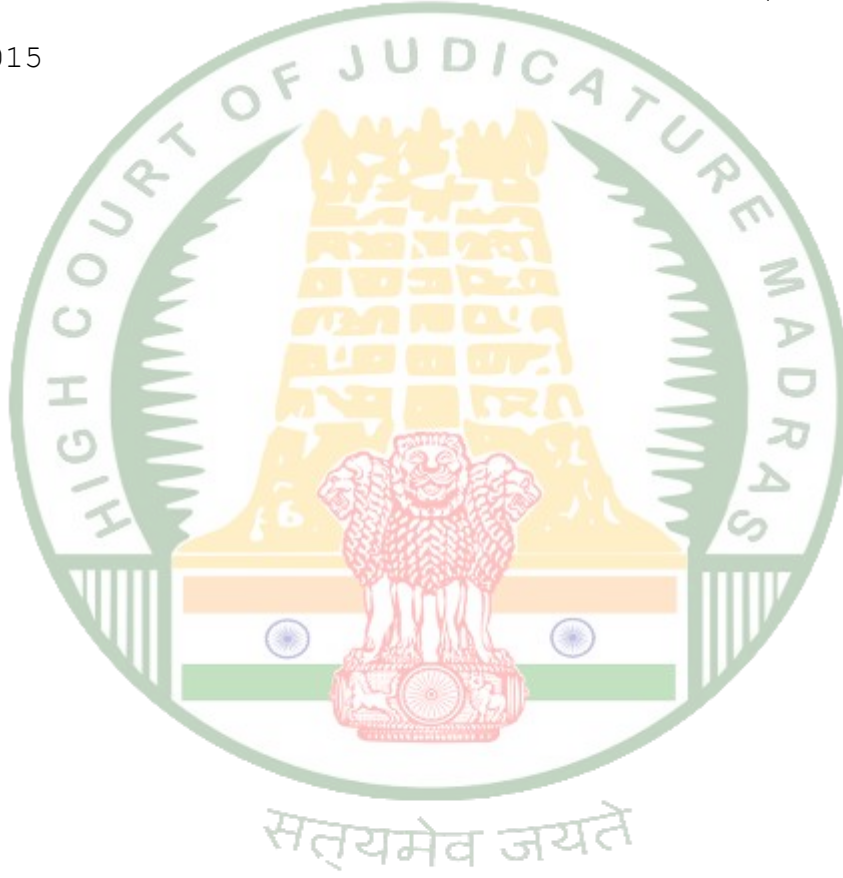
To

The District Collector
Dindigul District
Dindigul.

1 cc to Mr.K.Raja ,Advocate, SR.No.2712
1 cc to Government Pleader,Sr.No2246

W.P.No.17709 of 2007
(O.A.No.1773 of 2004)

skv(co)
pmk.5.2.2015



WEB COPY