



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

W.P. (MD)No.1414 of 2015 & M.P(MD)No.1 of 2015

A.M.Sundaravel

... Petitioner

Vs.

1.The Chief Engineer,
W.R.O.PWD- Madurai Division,
Thallakulam,
Madurai.

2.The Superintending Engineer,
W.R.O.PWD- Special Project Circle,
Tirunelveli-2.

3.The Executive Engineer,
W.R.O.PWD- Special Project Division,
Ambasamudram,
Tirunelveli.

4.The Asst.Executive Engineer,
PWD-Special Project Sub- Division II,
Ambasamudram,
Tirunelveli.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide letter No.PA2/2307/12 dated 07.01.2015 and quash the same, consequently direct the first respondent to consider and dispose of the petitioner's appeal afresh dated 10.11.2014 after giving due opportunity to this petitioner and may exonerate the petitioner from the vindictive charges levelled against him.

For Petitioner :Mr.K.P.Narayanakumar

For Respondents :Mr.S.Kumar

Addl.Govt. Pleader.

ORDER

Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents and by consent of both the parties, the main writ petition itself is taken up for final disposal at the stage of admission.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

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3. The petitioner is aggrieved against the order dated 07.01.2015, passed by the second respondent, whereby, the petitioner was informed

that the appeal filed before the first respondent was rejected as the same was not filed within the period of limitation. The petitioner was imposed with a punishment pursuant to the disciplinary proceedings. Challenging the same, the petitioner has preferred an appeal before the first respondent and however, as the same was not filed within the time stipulated under the statute, the said appeal was rejected as time barred.

4. The learned Counsel appearing for the petitioner submitted that the first respondent has got power to condone the delay under Rule 27(3) of the Tamil Nadu Civil Service (Discipline and Appeal). However, he fairly admitted that the petitioner has inadvertently not filed the application seeking for condonation of delay.

5. That being the factual position, the petitioner cannot find fault with the order passed by the respondents 1 and 2. However, as the petitioner has suffered an order of punishment which has to be challenged before the Appellate authority and in order to give him a fair opportunity, this writ petition is disposed of, with liberty to the petitioner to file a fresh appeal with a condone delay petition before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the first respondent shall consider the same and pass orders on the application seeking for condonation of delay as well as the main appeal, if the delay is condoned. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

sub Assistant Registrar

gsr

TO

- 1.The Chief Engineer,
W.R.O.PWD- Madurai Division, Thallakulam, Madurai.
- 2.The Superintending Engineer,
W.R.O.PWD- Special Project Circle, Tirunelveli-2.
- 3.The Executive Engineer,
W.R.O.PWD- Special Project Division, Ambasamudram, Tirunelveli.
- 4.The Asst.Executive Engineer,
PWD-Special Project Sub- Division II, Ambasamudram, Tirunelveli.

+1cc to MR.,K.P.NARAYANAKUMAR, ADVOCATE IN SR NO. 5330

+1cc to Special Government Pleader Sr NO. 5471

W.P. (MD) No.1414 of 2015
05.02.2015

RG.17.02.2015

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