



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17379 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

Nellaiappan

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.

2.The General Manager (Administration),
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.

3.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Kanyakumari Region, Konam,
Nagercoil - 4.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, to call for the records pertaining to the order of the 3rd respondent Passed in his proceedings Na.ka.No.AT1/349/2011, dated 19.06.2015 and quash the same as illegal.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.Maya Rajan

O R D E R

By consent of both, the Writ Petition itself is taken up for final disposal.

2. This Writ Petition has been filed by Mr.Nellaiappan, challenging the impugned order, dated 19.06.2015, in and by which, the respondents sought to proceed against the petitioner for recovery of a sum of Rs.1,58,955.62, on the ground that when the petitioner has preferred an appeal on 16.03.2015 challenging the order dated



16.02.2015 imposing a punishment of stoppage of increment for three months with cumulative effect during the pendency of the appeal, which has been filed in time, the respondents ought not to have proceeded to take coercive steps to recover the amount. Therefore, the impugned order is liable to be set aside.

3. Mr. Maya Rajan, learned standing counsel takes notice for the respondents.

4. Admittedly, in the present writ petition, the petitioner has suffered an order of punishment, dated 16.02.2015 imposing stoppage of increments for three years with cumulative effect. Being aggrieved by the same, the petitioner has preferred an appeal on 16.03.2015 and the same is also pending. No doubt, there is no order of stay granted against the order dated 19.06.2015 yet it is proper on the part of the respondent not to proceed against the petitioner during the pendency of the writ petition. Therefore, the appellate authority, before whom the appeal is pending, is hereby directed to dispose of the appeal on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, till then, the impugned order shall be kept in abeyance.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk, Chennai - 10.
2. The General Manager (Administration),
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk, Chennai - 10.
3. The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Kanyakumari Region, Konam, Nagercoil - 4.

+1cc to Mr. T. Lenin Kumar, Advocate Sr.No.56611
+1cc to Mr. D. Mayarajan, Advocate Sr.No.56527

akm/01.10.2015 /2p-6c/

Order made in
W.P. (MD) No.17379 of 2015