

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13473 of 2016
and WMP.Nos.11829 to 11831 of 2016

P.Muralikannan

... Petitioner

.Vs.

1.The Commissioner,
Tiruppur Corporation,
Tiruppur District.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records on the file of the 1st respondent in H-1/9092/2011, dated 20-10-2011 and connected proceedings in Na.Ka.No.9092/2011 dated 29-12-2011 and quash the same.

For petitioner : Mr.M.T.Arunan

For Respondents : Ms.P.Shanthi for R1
Mr.A.Kumar,
Special Government Pleader for R2

ORDER

Mr.Muralikannan, who is working as a Sanitary Inspector in the Municipality of Ambattur and having suffered with the punishment of stoppage of increment for three years with cumulative effect, has come to this Court, challenging the order of punishment dated 29.12.2011 and consequently, has sought for a direction to the 1st respondent to provide promotion to the post of Sanitary Officer.

2.It is contended by the learned counsel appearing for the petitioner that when the petitioner was charged with a false allegation that he was absent to duty from 17.10.2011 to

20.10.2011, he has given a detailed explanation denying the charges and consequently, mentioning his presence during the four days. Ignoring his explanation, the 1st respondent has passed an order of punishment of stoppage of increment for 3 years with cumulative effect. As against, he has preferred an appeal before the 2nd respondent and the same is also pending. In the meantime, a panel has been prepared on 12.01.2016, but his name has been left out, citing the reason that the petitioner has to complete another four months time. Adding further, the learned counsel appearing for the petitioner submitted that a perusal of the documents produced before this Court would show that as per the Attendance Register, he was present in all four days. Therefore, when the petitioner was present during the four days, the question of holding him guilty of absence from duty, cannot be accepted.

3. Since the appeal is pending from 13.01.2012, the 2nd respondent Appellate Authority is directed to consider the same on merits and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The learned counsel appearing for the petitioner has also sought for permission to file fresh documents, which were not available at the time of filing the appeal. Hence, liberty is given to the petitioner to give documents in the appeal before the 2nd respondent and the 2nd respondent is directed to allow him to do so and thereafter, dispose of the same on merits.

Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

mps

To

1. The Commissioner,
Tiruppur Corporation,
Tiruppur District.

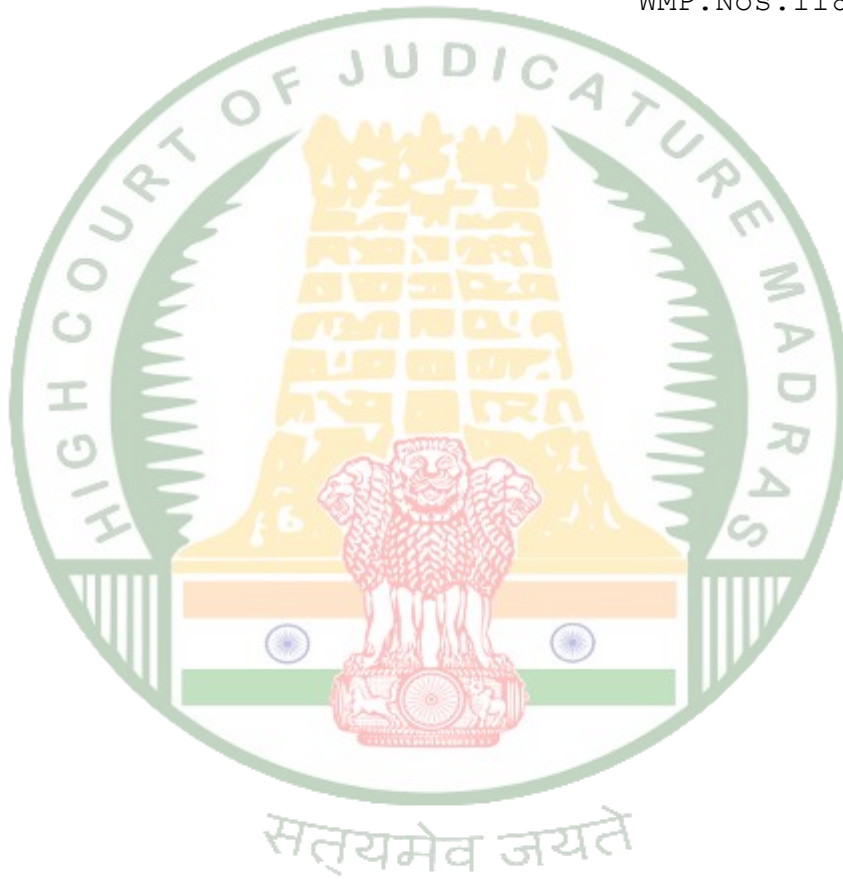
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2.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

1 cc to Mr.M.T. Arunan, Advocate, Sr. 23693
1 cc to Government Pleader, Sr. 23898

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