

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.28632 of 2016

J.Deveraj

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St., George,
Chennai - 600 009.
2. The Director of Town Panchayat,
Kuralagam,
Chennai - 600 108.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass orders on the Appeal Petition submitted by the petitioner on 20.05.2016 forwarded by the letter of Assistant Director of Town Panchayat, Tirunelveli Region in Na.Ka.Na.4041/2014/Pa.2 dated 24.05.2016 by revising the order passed by the second respondent in Na.Ka.No.16182/2014/A4, dated 08/03/2016, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.S.Gunasekaran
Additional Government Pleader

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O R D E R

This Writ Petition has been filed to direct first respondent to pass orders on the Appeal Petition submitted by the petitioner on 20.05.2016 against the order passed by the second respondent within a time frame to be fixed by this Court.

2. The petitioner was working as a Selection Grade Executive Officer in the Office of the Assistant Director of Town Panchayat, Tirunelveli in the month of September, 2014.

During that time, the petitioner was framed with a charge memo under Rule 17(a) of Tamil Nadu Civil Supplies (D&A) Rules and the second respondent, without considering the representation of the petitioner, issued orders imposing punishment of stoppage of increment for a period of one year without cumulative effect. The petitioner was not issued any preliminary notice prior to framing of charges and no documents were furnished to him and the petitioner was not permitted to pursue the documents inspite of the various representations submitted by the petitioner. Therefore, the petitioner has preferred an appeal before the first respondent against the against the impugned order of the second respondent. But till date no orders have been passed in the said appeal and hence, the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that for no fault of the petitioner, the impugned order has been passed against the petitioner and he would be satisfied if his appeal is directed to be considered and appropriate orders are passed as expeditiously as possible.

4. The learned Additional Government Pleader for the respondents has got no serious objection for directing the respondents to consider the Appeal of the petitioner and pass appropriate orders, on merits and in accordance with law.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the Appeal of the petitioner, dated 20.05.2016 and pass appropriate orders, on merits and in accordance with law. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

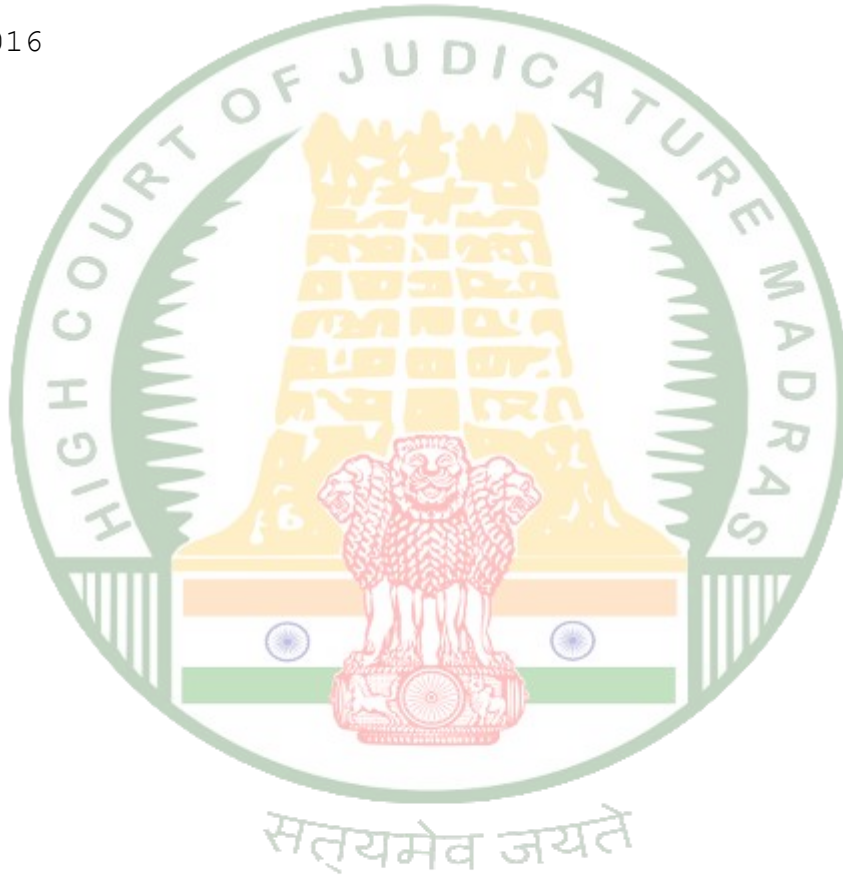
1. The Secretary to Government
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Municipal Administration and Water Supply Department,
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Chennai - 600 009.

2. The Director of Town Panchayat,
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+1 cc to Mr.G.Sankaran Advocate sr 46831

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