

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38389 of 2016

B.Edward

... Petitioner

Vs.

The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai, Tamil Nadu-600 003. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Chairman, Tamil Nadu Public Service Commission to dispose of the Review Application dated 15.06.2015 of the petitioner in accordance with law, within a time to be stipulated by this Court.

For Petitioner : Mr.S.Sivashankar
For respondent : Mrs.C.N.G.Niraimathi

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to dispose of the Review Application dated 15.06.2015 preferred by the petitioner in accordance with law, within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The Tamil Nadu Public Service Commission conducts examinations for various posts every year in several centres in Tamil Nadu. For this purpose, officials in the Districts are appointed as Chief Invigilators and Invigilators and the officials of the Commission are deputed for inspection duty. The duty of the Chief Invigilators is to receive the question papers and skeleton answer sheets/books from the Treasury Officers in advance and after the examination is over, to lodge the written answer sheets/books to the Treasury in person. The duty of the officials of the Commission is to be present with the Chief Invigilator till the work is over and they should not handle the question papers and answer

sheets/books.

2-2.The petitioner was deputy for inspection duty in connection with an examination held on 17.11.2007 at Udhagamandalam and one Thiru.R.Jayaraman, ASO., TNPSC., was deputed for Inspection duty at Gudalur in the Nilgiris. The written answer sheets bundle pertaining to the said examination held at Gudalur centre was brought to the Treasury at Udhagamandalam at 8.00 pm on 17.11.2007 by the said Thiru.R.Jayaraman, ASO, TNPSC., instead of by the Chief Invigilator. The petitioner reported the facts over cell-phone to his immediate superior on 17.11.2007. On his return to Chennai on 20.11.2007, the petitioner's immediate superior accompanied by him, called on the Controller of Examinations, TNPSC and reported all the facts. A gossip news appeared in the Newspapers on 25.11.2007 alleging malpractice in the said examination. The officials against whom the petitioner reported to his superiors were suspended from service without enquiry on 21.12.2007. To his shock and surprise, the petitioner was also placed under suspension from service on 20.12.2007 by the Secretary, TNPSC, without any enquiry.

2-3.It is further stated that an FIR was filed on 01.08.2009 and after completion of investigation, the charge sheet was filed and it was taken on file as C.C.No.1087 of 2010 before the learned Judicial Magistrate Court at Udhagamandalam, against the three officials of the Commission and certain other outsiders. In the said criminal case, the petitioner was cited as first prosecution witness (P.W.1).

2-4.However, departmental proceedings were initiated against the petitioner and charges were framed against the petitioner on 12.12.2011 and after conducting enquiry, the Secretary, TNPSC passed an order on 11.11.2013 imposing stoppage of increment for one year with cumulative effect against the petitioner. The petitioner preferred an appeal on 09.01.2014 before the respondent and the respondent being appellate authority modified the punishment of stoppage of increment for one year with cumulative effect into stoppage of increment for one year without cumulative effect on 10.07.2014. Thereafter, the petitioner has preferred a Review Petition dated 15.06.2015 before the respondent seeking to review the punishment order. Since the petitioner's review petition was not considered by the respondent, he has come forward with the present writ petition.

3.Heard both sides and perused the materials available on record.

4.Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the respondent to consider the Review Petition dated 15.06.2015 preferred by the petitioner and pass appropriate orders, on merits and in accordance with

law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

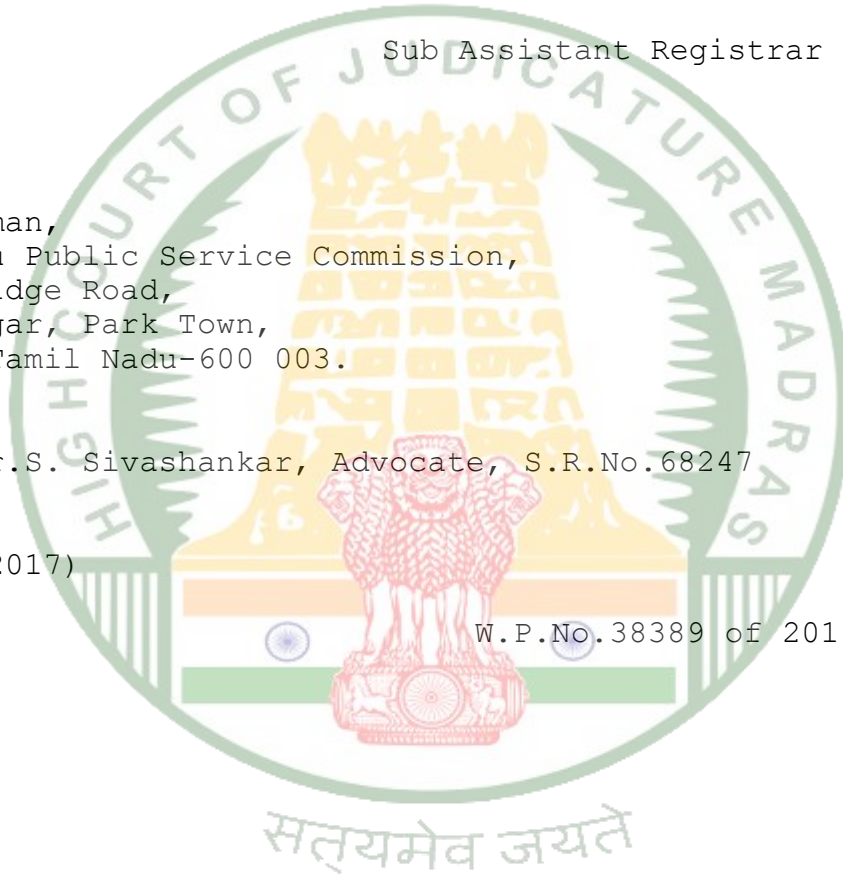
ssv

To
The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai, Tamil Nadu-600 003.

+1cc to Mr.S. Sivashankar, Advocate, S.R.No.68247

mp(CO)
md(04/01/2017)

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