

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.41960 of 2016

G.Alphones

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The Director of Town Panchayats,
Kuralagam Buildings,
Chennai - 600 104.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the statutory appeal preferred by the petitioner on 19.04.2012 within the time frame to be fixed by this Court.

For Petitioner : Mr.P.MuthuKrishnan

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to dispose of the statutory appeal preferred by the petitioner on 19.04.2012 within the time frame to be fixed by this Court.

3. The petitioner was appointed as Record Clerk and subsequently, he was promoted as Bill Collector on 06.02.1997. His probation was declared with effect from 19.03.1997. Later, he was promoted as Executive Officer-II on 29.08.2016.

4. According to the petitioner, on 21.08.2010, a charge memo was issued, framing charges under rule 17(b) of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules, by the second respondent. The charges relate to failure in taking action to pay salary to the employees of Town Panchayats of Ayodyapattinam, for the month of July 2010, in time, when he was

working as Junior Assistant. The petitioner also submitted his explanation stating that since 31.07.2010 falls on Saturday and 01.08.2010 falls on Sunday and there was no sufficient amount available in the account on 02.08.2010, the bill was made ready on 03.08.2010 and the Executive Officer also delayed in signing the salary file, therefore, he did not commit any mistake and prayed for dropping the charges. Accepting the explanation that there was no sufficient fund for payment of salary, charges were dropped by the Enquiry Officer. However, by order dated 17.02.2012, the second respondent, by taking dissenting view, imposed stoppage of increment without cumulative effect for a period one year. Challenging the order of punishment, the petitioner filed an Appeal to the first respondent on 19.04.2012, seeking to cancel the order of punishment. As the same was not disposed of by the first respondent, the petitioner also sent reminders on 23.07.2015 and 20.10.2016. However, the same is still pending before the first respondent. Hence, the present writ petition is filed.

5. Heard the submission of the learned counsel appearing for the petitioner and the learned Special Government Pleader, who take notice for the respondents.

6. Since the appeal of the petitioner dated 19.04.2012 is still pending before the first respondent and without going into the merits of the case, the first respondent is directed to consider the appeal of the petitioner dated 19.04.2012 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.

7. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Secretariat,
Chennai - 600 009.

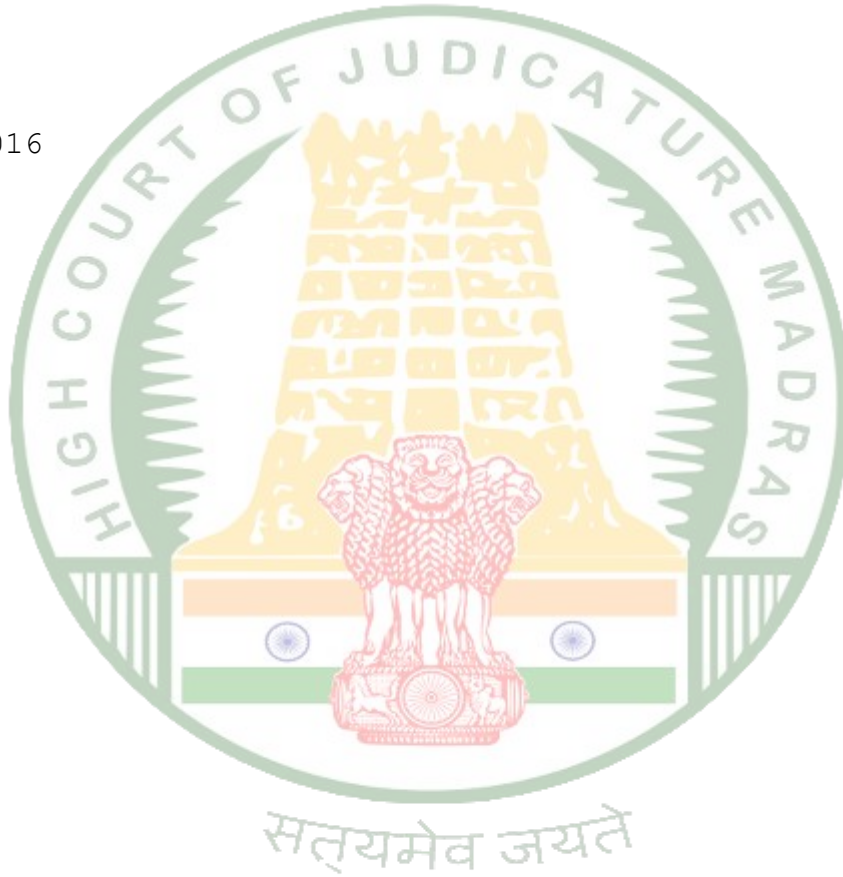
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2. The Director of Town Panchayats,
Kuralagam Buildings,
Chennai - 600 104.

+1 cc to Mr.P.Muthukrishnan Advocate sr 70398/16
+1 cc to Government Pleadeer sr 71056/16

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