

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1353 of 2017
and
C.M.P.No.18704 of 2017

The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032. Appellants

Versus

1. R.Sridhar
2. The Principal Secretary to Government,
Personnel and Administrative Reforms(N)
Department,
Secretariat, Chennai-9.

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 2.12.2016 passed in W.P.No.36065 of 2016 on the file of this court praying to call for the records of 2nd Respondent order dated 08.08.2016 in Proc.C.No TNPCB/PER/CS/11675/2015-2 and quash the same.

For appellant : Mrs.Rita chandrasekar
For R1 : Mr.A.V.Arumugam
For R2 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)
Heard the learned counsel appearing for the parties.

2. The writ appeal is filed challenging the order passed by the learned Single Judge allowing the writ petition and thereby directing the appellants to reinstate the petitioner in any non-sensitive post at a far away place considering the fact that the writ petitioner had been under suspension from 18.4.2015 and charge memo was issued with a long delay, only on 20.5.2016.

3. It appears that for the alleged misconduct of accepting illegal gratification for renewal of clearance certificate, the writ petitioner was placed under suspension and disciplinary proceedings had been initiated.

4. Learned counsel appearing for the appellant would submit that the post held by the writ petitioner is Assistant Engineer in the Tamil Nadu Pollution Control Board which is a very sensitive one and though there is some administrative delay on the part of the appellant in issuing the charge memo itself, it is a matter of serious concern that he had demanded and accepted illegal gratification for issuing renewal for clearance certificate and therefore, they find some difficulty in implementing the order passed by the learned Single Judge in posting him in some far away place which would be a non-sensitive one, but, however, they would consider him posting in such a non-sensitive post as soon as such a vacancy arises.

5. In view of the above submission, the writ appeal is disposed of, modifying the order passed by the learned Single Judge to the extent that the appellant would post the writ petitioner in a non-sensitive post, in case, the entire proceedings against the writ petitioner could not be completed within a period of another three months from the date of receipt of a copy of this judgment. No costs. The connected miscellaneous petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

ssk.
To:

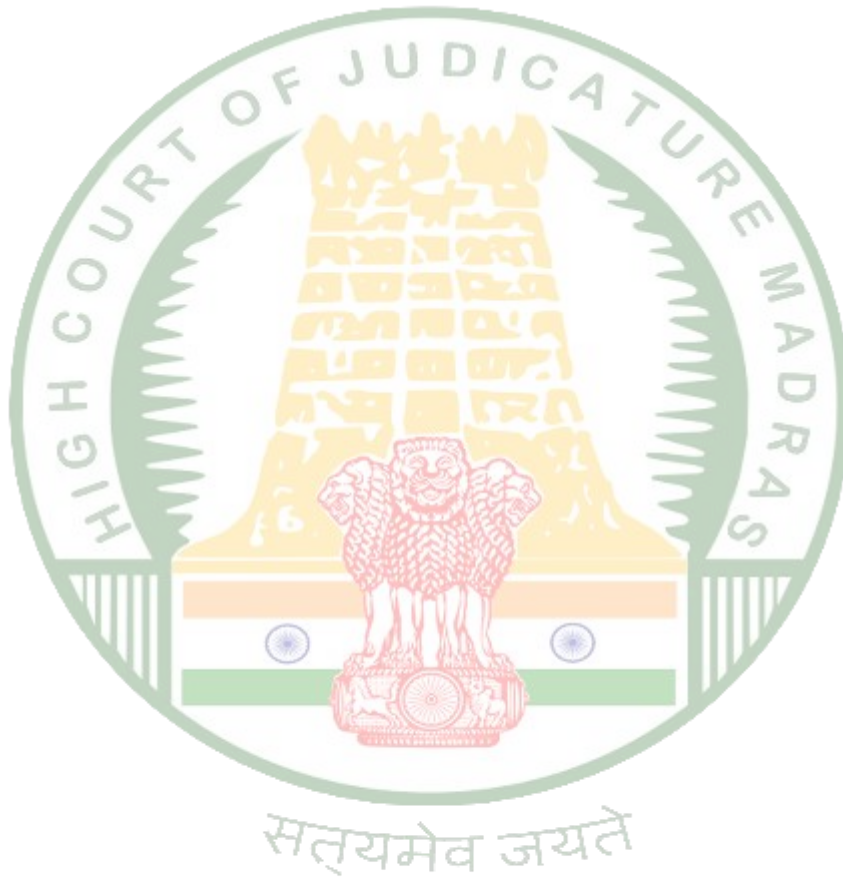
1. The Principal Secretary to Government,
Personnel and Administrative Reforms (N)
Department,
Secretariat, Chennai-9.

WEB COPY

+1 CC to Mr. Rita Chandrasekar, Advocate sr 81528.
+1 Cc to Govt. Pleader sr 81323.
+2 Ccs to Mr.A.V. Arumugam, Advocate sr 81722.

W.A.No.1353 of 2017

SP(12/12/2017)



WEB COPY