

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30629 of 2017

and

WMP.Nos.33533 & 33534 of 2017

A.Punniyamurthy

.. Petitioner

-vs-

The Secretary to Government
Revenue Department
Secretariat
Chennai 600 009

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the respondent vide G.O.(2D) No.344 Revenue (Service 2(3) Department dated 29.11.16 and to quash the same and consequently direct the respondent to settle the retirement benefits of the petitioner.

For Petitioner :: Mr.C.Chandrasekaran for
Mr.S.Vijayakumar

For Respondent :: Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

This writ petition is directed against the impugned G.O.(2D) No.344, Revenue (Service 2(3) Department dated 29.11.2016 imposing cut of Rs.500/- from the petitioner's monthly pension for a period of one year with a further direction to recover a sum of Rs.14,000/- from the Death-cum-Retirement Gratuity, on the ground that the four charges levelled against the petitioner stood proved against him.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that when the petitioner was prosecuted departmentally under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, a similar set of charges under Rule 17(b) were framed against Mr.R.Prakash and Mr.D.Vijayakumar, who were serving as Village Administrative Officer and Revenue Inspector respectively. The enquiry officer, namely, the District Revenue Officer, Villupuram also submitted his report holding them guilty of all the charges.

However, after examining the report of the enquiry officer and the further representations made by the aforesaid two delinquents, finally the Government decided to drop further action in the disciplinary cases against Mr.R.Prakash and Mr.D.Vijayakumar in compliance of the orders passed by this Court dated 24.4.2012 in W.P.No.11700 of 2012 and dated 25.10.2013 in W.P.No.29134 of 2013 respectively. Since the petitioner is also one amongst the three, when two others have been given clean chit by dropping the charges, imposing a cut of Rs.500/- from the petitioner's monthly pension for one year and recovering a sum of Rs.14,000/- from his D.C.R.G., are arbitrary and untenable. Therefore, the same will not pass the test of reasonableness under Article 14 of the Constitution of India, it is pleaded.

3. But this Court is not able to appreciate the arguments advanced by the learned counsel for the petitioner. The reason is that the Government have rightly issued the impugned order imposing a cut of Rs.500/- from the petitioner's monthly pension for one year and recovering a sum of Rs.14,000/- from his D.C.R.G., after satisfying itself that the petitioner was found guilty by the enquiry officer and the disciplinary authority also obtained the remarks from the Tamil Nadu Public Service Commission for taking penal action against the petitioner. Moreover, the order imposing the punishment also shows that he was found guilty of the charges, therefore, dropping of the concluded proceedings and imposing punishment cannot be cancelled. The proceedings issued in favour of Mr.R.Prakash and Mr.D.Vijayakumar have no justification for doing so, therefore, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. Consequently, W.M.P.Nos.33533 & 33534 of 2017 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ss

To

The Secretary to Government,
Revenue Department Secretariat,
Chennai 600 009.

+ 1 cc to Mr.S. Vijayakumar, Advocate Sr.84105

+ 1 cc to Government Pleader Sr.84729

W.P.No.30629 of 2017
and

WMP.Nos.33533 & 33534 of 201

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