

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.3948 to 3950 of 2017

L.Dhamodharan ... Petitioner in all the W.Ps.

Vs.

- 1 The Director
O/o.The Directorate of Municipalities,
Kuralagam, Chennai - 600 108.
- 2 The District Collector
Sathuvachary,
Vellore District.
- 3 The Executive Officer,
(First Grade),
Thakkolam Town Panchayat,
Vellore District.
- 4 The Executive Officer,
Nemili Town Panchayat,
Arakkonam Taluk,
Vellore District. Respondents in all the W.Ps.

Common Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's statutory appeal dated 26.04.2016 within a stipulated period of time in accordance with law.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.P.Senthilvel
Government Advocate
for R1 and R2 in W.Ps.3948 & 3949/2017 &
for R1 to R4 in W.P.3950/2017

Mr.S.N.Parthasarathy
Government Advocate
for R3 and R4 in W.P.3948/2017

Mrs.A.Lalitha
Government Advocate
for R3 and R4 in W.P.3949/2017

C O M M O N O R D E R

By consent, all the writ petitions are taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 in W.P.Nos.3948 and 3949 of 2017 and on behalf of the respondents 1 to 4 in W.P.No.3950 of 2017, Mr.S.N.Parthasarathy, learned Government Advocate accepts notice on behalf of the respondents 3 and 4 in W.P.No.3948 of 2017 and Mrs.A.Lalitha, learned Government Advocate accepts notice on behalf of the respondents 3 and 4 in W.P.No.3949 of 2017.

2.The petitioner in W.P.No.3948 of 2017 was appointed as Bill Collector in the services of the fourth respondent and according to him, he had discharged his duties honestly and sincerely, without any blemish and whileso, the second respondent vide proceedings in Charge Memo No.1090/12/B dated 30.10.2012, framed certain charges under Rule 17 B of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner has submitted his written statement/ explanation dated 09.07.2015. Thereafter, oral enquiry was ordered and thereafter, the petitioner was placed under suspension. Since there was no progress, the petitioner on reaching the age of superannuation was allowed to retire from service, without prejudice to the pending disciplinary proceedings.

3.The petitioner had filed W.P.No.24938 of 2015 for expeditious disposal of the disciplinary proceedings and the writ petition was also disposed of on 12.08.2015, directing the concerned respondent to conclude the proceedings as expeditiously as possible and since it has not been complied with, he filed contempt petition in Contempt Petition No.778 of 2016 and during the pendency of the same, the impugned order of punishment dated 31.03.2016 came to be passed, wherein the petitioner was awarded with the punishment of deduction of 1/3rd of the service benefits to compensate the shortfall amount or revenue loss occurred to the respondent department.

4.Aggrieved by the same, the petitioner has also filed statutory appeal dated 26.04.2016 to the first respondent and despite lapse of nearly one year, so far no orders have been passed and hence, came forward to file the present writ petition.

5.The petitioner in W.P.No.3949 of 2017 would aver among other things that he was appointed as Bill Collector in the services of the fourth respondent and according to him, he had discharged his duties honestly and sincerely, without any blemish and whileso, the second respondent vide proceedings in Charge Memo No.5681/2002/B dated 20.03.2008, framed certain charges under Rule 17 B of the Tamil Nadu Civil Services

(Discipline and Appeal) Rules. The petitioner has also submitted his written statement of defence on 17.09.2012 denying the facts.

6.The petitioner would further aver that he was cooperating in the early conclusion of the disciplinary proceedings, which was not completed and on attaining the age of superannuation, he was permitted to retire from service without prejudice to the pending disciplinary proceedings. The petitioner also filed W.P.No.24938 of 2015 in respect of another charge memo and it was disposed of with a direction to expedite the proceedings and pass final orders. The second respondent took up all the pending proceedings and issued a punishment of cut in increment with cumulative effect for a period of two years. The petitioner challenging the same filed statutory appeal dated 26.04.2016 to the first respondent and since no orders have been passed, came forward to file the present writ petition.

7.The petitioner in W.P.No.3950 of 2017 was appointed as Bill Collector in the services of the fourth respondent and he was issued with Charge Memo No.587/2008/B dated 29.06.2008. The petitioner by submitting his written statement of defence has denied the allegations. The petitioner has also filed W.P.No.24938 of 2015 challenging his another set of charge memo and it was disposed of with a direction to conclude the disciplinary proceedings as expeditiously as possible, on 12.08.2015. Thereafter, the second respondent took up all the disciplinary proceedings and passed an order, imposing the punishment of cut in increment without cumulative effect for a period of two years and challenging the same, he filed a statutory appeal dated 26.04.2016 to the first respondent and since no orders have been passed, came forward to file the present writ petition.

8.Heard the submissions of the learned counsel appearing for the petitioner as well as the learned Government Advocates appearing for the respective respondents.

9.This Court taking into consideration the limited scope of prayer sought for by the petitioner directs the first respondent to dispose of the petitioner's three statutory appeals dated 26.04.2016, on merits and in accordance with law and pass orders, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

10.The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1 The Director
O/o.The Directorate of Municipalities,
Kuralagam, Chennai - 600 108.
- 2 The District Collector
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(First Grade),
Thakkolam Town Panchayat,
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- 4 The Executive Officer,
Nemili Town Panchayat,
Arakkonam Taluk,
Vellore District.

+3ccs to Mr.A.Rajeskanna,Advocate sr.10452

+1cc to Government Pleader sr.10740

सत्यमेव जयते

W.P.Nos.3948 to 3950 of 2017

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ss(8/3/2017)

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