

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.34493 of 2013

and

M.P. Nos. 1 & 2 of 2013 and 1 of 2014

T. Padmanathan .. Petitioner

vs.

1. The Registrar
University of Madras
Chennai.

2. The Vice Chancellor
University of Madras
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioner's appeal dated 21.11.2013 pending before the 2nd respondent under 19 of the Tamil Nadu Civil Services (Conduct & Appeal) Rules read with Rule 19, 20 and 22 of the University Calendar (Statutory) Rules within one month pending disposal of the appeal and pass further orders.

For Petitioner : Mr. S. Meenakshi Sakthivel

For Respondents: Mr. Manisundara Gopal

ORDER

The petitioner has filed this writ petition seeking to direct the 2nd respondent to consider and pass orders on the petitioner's appeal dated 21.11.2013 pending before the 2nd respondent, under 19 of the Tamil Nadu Civil Services (Conduct & Appeal) Rules read with Rule 19, 20 and 22 of the University Calendar (Statutory) Rules, within one month, pending disposal of the appeal.

2. Learned counsel for the petitioner submitted that the petitioner joined services as a Junior Assistant in the University on 24.12.1983 and while working as a Section Officer, on 01.06.2012 he was served with a charge sheet. Denying all the four charges the petitioner submitted his written statement on 06.07.2012. Totally 30 employees were initiated for the same set of charges, of which, against 16 employees the charges were held proved and the petitioner was one among them. Learned counsel further submitted that he was imposed with a penalty of reduction to a lower post till his superannuation, i.e., 31.01.2014, without considering his reply to the charge sheet and his further representation and without properly appreciating the evidences adduced by him during enquiry. Aggrieved by the said order, the petitioner has filed an appeal to the 2nd respondent on 21.11.2013, on which no orders have been passed. Therefore, the petitioner has filed this writ petition praying to dispose of the same, within one month.

3. Relying on the counter filed by the first respondent, learned counsel for the respondents submitted that the petitioner along with other staff, while working in Base Camps have failed to maintain secrecy of dummy numbers assigned and failed to handover the dummy number slips to the Controller of Examinations then and failed to bring to the notice of the higher authorities regarding the large scale tampering of marks in the foil cards. After following due process of law, punishments were awarded to the delinquents, depending upon gravity of charges. On instructions, learned counsel submitted that at present the 2nd respondent/ Vice Chancellor post is vacant and that the second respondent is also not competent to dispose of the appeal filed by the petitioner, against the decision arrived by the Syndicate of the University. However, if ordered by this Court, the appeal of the petitioner shall be forwarded to the Syndicate of the University, and the same will be disposed of in accordance with law.

4. Heard learned counsel for the petitioner and learned counsel for the respondents and perused the material available on record.

5. Learned counsel for the petitioner also accepted for forwarding his appeal to the Syndicate of the University and seek this Court to pass appropriate orders in the Appeal within a time framed by this Court. Considering the facts and circumstances of the case and in view of the submission of the learned counsel for the parties, the respondents are directed to forward the petitioner's Appeal, dated 21.11.2013 to the

Syndicate of the respondent-University, and to dispose of the same on merits and in accordance with law, as expeditiously as possibly, preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. Consequently, the connected M.Ps are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Registrar
University of Madras
Chennai.
2. The Vice Chancellor
University of Madras
Chennai.

+1cc to Mr.Manisundara Gopal , Advocate, S.R.No.7609
+1cc to Mr.S. Meenakshi Sakthivel, Advocate, S.R.No.7485

W.P.No.34493 of 2013
and

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1 of 2014

KJI (CO)
EU 24.2.17

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