



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.1323 of 2014
in
WP(MD)No.16573 of 2014

N.Kandhimathinathan : Appellant
Vs.

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Government of Tamil Nadu,
through its Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.

3.The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

(3rd respondent impleaded vide Court order
dated 31.08.2016 made in CMP (MD) No.8213 of 2016
in WA(MD)No.1323 of 2014 by) : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent
praying to set aside the order dated 08.10.2014 in W.P (MD)
No.16573 of 2014.

Prayer in WP(MD) . 16573/ 2014 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Certiorari, calling for the records relating to the proceedings of
the impugned G.O. (D) NO. 303 dated 20.08.2014 on the file of the
2nd Respondent and quash the same.

For Appellant	:	Mr.S.Sivathilakar
For Respondent No.1	:	Mr.Aayiram K.Selvakumar Standing Counsel
For Respondent No.2	:	Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent No.3	:	No Appearance

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.Sivathilakar, learned Counsel appearing for the appellant, Mr.Aayiram K.Selvakumar, learned Standing Counsel appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the second respondent.

2.By consent of the learned counsels on either side, the Writ Appeal itself is taken up for disposal.

3.This appeal is directed against the order in W.P.(MD) No.16573 of 2014 dated 08.10.2014. The said writ petition was filed by the appellant, challenging the punishment imposed on him by the respondents for proven charges, which was also confirmed by the Government in a revision filed by the appellant. The punishment that was imposed on the appellant was stoppage of increment for one year.

4.On a perusal of the impugned orders, it appears that the charge which was framed against the appellant was a very serious charge, as he had failed to take appropriate steps to vacate the interim order obtained in Civil proceedings and deliberately failed to guide the Municipal Commissioner properly. According to the appellant, the Municipal Commissioner is also equally responsible for the alleged delinquency. The Government, after careful consideration of the findings recorded by the Enquiry Officer, imposed the punishment by order dated 31.07.2000.

5.As against which, the Revision Petition was filed which was also dismissed by a speaking order dated 20.08.2014. However, the order was put to challenge by the petitioner by way of a Writ Petition and the learned Single Bench, elaborately considered the matter and after taking note of the fact that proper procedure was followed in the Disciplinary Proceedings, dismissed the Writ Petition. Challenging the said order, the appellant is before us. Admittedly, the appellant has not been able to point out any procedural infirmity in the conduct of the Disciplinary Proceedings. The points canvassed were in fact, dealt with by the learned Single Bench and rightly rejected.

6.Considering the nature of the charge, we feel that the punishment imposed is neither disproportionate nor excessive. Hence, this Court cannot confer itself as an Appellate Authority over the findings recorded by the Enquiry Officer as accepted by the Disciplinary Authority and affirmed by the Revision Court. Thus, he has not made out any grounds to interfere.



7. Accordingly, this Writ Appeal stands dismissed. No costs.
Sd/-

Assistant Registrar (CS-II)

/True Copy/

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Sub Assistant Registrar.

To
The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.

+1CC to Mr.S.Siva Thilakar, Advocate, SR.No.62739
+1CC to Mr.Aayiram K.Selvakumar, Advocate, SR.No. 62643
+1CC to the Special Government Pleader SR.No. 62836

JUDGMENT MADE IN
W.A. (MD) No.1323 of 2014
in
WP (MD) No.16573 of 2014

MR
AM/SKN RSK/SAR 1/25.07.2017/3P/5C