



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1216 of 2017

and

W.M.P (MD) Nos.1027 and 1028 of 2017

M.Sankara Narayanan

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
St.George Fort, Chennai - 600 009.

2.The Director of Town Panchayats,
Kuralagam Fourth Floor,
Chennai - 600 108.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records relating to the impugned order in Na.Ka.No.13932/2015/E4, dated 19.1.2017 passed by the second respondent and to quash the same.

For Petitioner : Mr.G.R.Swaminathan
for M/s.T.Antony ArulRaj

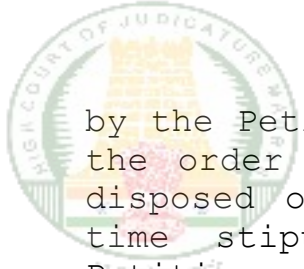
For Respondents : Mr.M.Rajarajan,
Government Advocate

O R D E R

This petition has been filed, seeking for issuance of a writ of Certiorari calling for the records relating to the impugned order in Na.Ka.No.13932/2015/E4, dated 19.1.2017 passed by the second respondent and to quash the same.

2.Heard the learned counsel on either side and perused the materials placed before this Court.

3.The Petitioner has been issued with a charge-memo under 17 (a) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules. Even though last but one paragraph of the impugned order does not discuss the explanation given by the Petitioner, even though the explanation was given by the Petitioner as referred to in the previous paragraphs. The Petitioner has been imposed with a ~~penal~~ stoppage of one increment with cumulative effect. Admittedly, the Petitioner has got the right of appeal. Since it is a non-speaking order without discussing the explanation given



by the Petitioner, which can be rectified or considered in appeal, the order impugned shall be kept in abeyance till the appeal is disposed of, if any already filed by the Petitioner, within the time stipulated in the last paragraphs of the impugned order. The Petitioner has got 60 days time to file appeal from 21.1.2017 and if any appeal is filed, the appellate authority shall pass appropriate orders discussing the reasons taken into account the explanation submitted by the Petitioner, within a period of 45 days from the date of appeal.

4. With the above directions, the Writ Petition is disposed of. Consequently connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar[AE]

/True copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
St. George Fort, Chennai - 600 009.
2. The Director of Town Panchayats,
Kuralagam Fourth Floor,
Chennai - 600 108.

+1cc to Mr. Antony Arulraj, SR.9804
+1cc to The Special Government Pleader, SR.10088/17

W.P. (MD) No.1216 of 2017
and
W.M.P (MD) Nos.1027 and 1028 of 2017
22.02.2017

VSN
KK-JM-SAR1-28.02.2017-2P-5C