

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.*11379 of 2011

K.R.Appavu

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary to Government,
Rural Development & Panchayat Raj,
Fort St. George, Chennai -9.

2. The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

... Respondents

Prayer : Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to order bearing No.49629/07/DPC 1.1 dated 20.12.2007 of the second respondent herein and the consequential order bearing Letter No.39851/2008/DPC 1.1 dated 14.07.2008 of the second respondent herein and quash the same with all consequential benefits.

For petitioner : Mr.C.Santhosh Kumar
for M/s. A.L.Gandhimathi

For Respondents : Mrs.P.Rose kamalam
Additional Government Pleader

O R D E R

Heard Mr.C.Santhosh Kumar, learned counsel for the petitioner and Mrs.P.Rose kamalam, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorari, to call for the records pertaining to order bearing No.49629/07/DPC 1.1 dated 20.12.2007 of the second

respondent herein and the consequential order bearing Letter No.39851/2008/DPC 1.1 dated 14.07.2008 of the second respondent herein and quash the same with all consequential benefits."

3. The case of the petitioner is as follows:-

The petitioner is a retired State Government Servant who attained the age of superannuation on 31.05.2010. Before his retirement, he was working as Assistant Project Officer, (EAS) at District Rural Development Agency, Coimbatore. While working as Assistant Project Officer (Tsunami) Ramanathapuram, he was issued with the charge memo under Rule 17(a) of Tamil Nadu Civil Service (Discipline & Appeal) Rules alleging that he availed casual leave and unearned leave without getting prior permission from the competent authority. It was also alleged that he left the headquarters without getting prior permission from the authority. The petitioner had given his explanation, but the same was found to be not satisfactory. Thereafter, he was imposed with the punishment of censure by proceedings dated 20.12.2007. The said order is put to challenge in the present writ petition.

4. Upon notice, the learned Additional Government Pleader appearing for the respondents, entered appearance and filed a detailed counter affidavit.

5. In the counter affidavit, it is stated that the petitioner had committed an act of misconduct in not following the procedure while availing leave and while leaving the quarters. In the charge memo four lapses were pointed out against the petitioner for which a reply was given and the same was not found to be satisfactory. However taking a lenient view in the matter, the authority had only issued a punishment of censure. Therefore, the petitioner cannot have any grievances against such penalty being imposed which is a most minor of all penalties contemplated in the Rules.

6. On the other hand, the learned counsel for the petitioner would submit that the petitioner had legitimate explanation for availing leave and leaving the Headquarters. However, the same was not considered by the respondents in proper perspective and therefore, the penalty being invalid, the same is under challenge in this writ petition.

7. This Court has considered the rival submissions, but, find no merit in the contention put forth by the learned counsel for the petitioner for the act of misconduct and the punishment which was ultimately imposed was most minor of all penalties contemplated in the Rules. As contented by the learned counsel appearing for the respondents, the petitioner cannot have any

grievances against such innocuous punishment, particularly, in this case the petitioner stood retired long ago from service.

8. Therefore, this Court finds no merit in the present writ petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

Dated : 26/06/2018

***Corrected as per letter**

dated 07.08.2019 and made herein

Sd/-

Assistant Registrar

Dated : 16/08/2019

//True copy//

Sub Assistant Registrar

gsk

To

1. The Secretary to Government,
Rural Development & Panchayat Raj,
Fort St. George, Chennai -9.
2. The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

**To be substituted to
the order already
dispatched on
02/07/2018**

+1cc to Mr.A.L.Gandhimathi, Advocate SR.No.35420

+1cc to Government Pleader SR.No.35330

W.P.No.11379 of 2011

SV(CO)

GN(27/06/2018)

GMV(20/08/2019)

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