

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2018

CORAM

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.16563 of 2005

And

W.P.M.P.Nos.18043 of 2005

And

W.V.M.P.No.2258 of 2005

P.Ayyanthurai

... Petitioner

Vs

Joint Commissioner,
(Revenue Administration),
Chepauk, Chennai-5.

... Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the respondent in Na.Ka.No. Aa/Na. 1(1)/77959/98 dated 11.4.2005 and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The order of punishment dated 11.4.2005, imposing the punishment of stoppage of increment for three months without cumulative effect, is under challenge in the present writ petition.

2. The punishment imposed is minor in nature. The writ petitioner was initially appointed as a Record Clerk in the Office of the respondent. The allegation against the writ petitioner was that he had involved in a Real Estate Business and thereby committed an act of misconduct.

3. The writ petitioner had violated Rule 8(1) of the Tamil Nadu Government Servants Conduct Rules, 1973. Thus, the disciplinary proceedings were initiated against the writ

petitioner. The writ petitioner was provided with an opportunity to submit his explanations and accordingly, the writ petitioner defended his case. The Enquiry Officer conducted an enquiry by providing opportunity to the writ petitioner and submitted his report, holding that the charge against the writ petitioner was proved. Accepting the findings of the Enquiry Officer, the Disciplinary Authority imposed minor penalty of stoppage of increment for three months without cumulative effect.

4. It is pertinent to note that even at the time of filing of the writ petition, the writ petitioner was aged about 58 years and he would be around 71 years as of now. The punishment imposed is minor in nature i.e., stoppage of increment for three months without cumulative effect. Thus, the writ petitioner has not established any acceptable ground for the purpose of quashing the order of punishment and further, the procedures contemplated under the Discipline and Appeal Rules had been followed by the Disciplinary Authority. Thus, there is no infirmity, as such.

5. Accordingly, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

Joint Commissioner,
(Revenue Administration), सत्यमेव जयते
Chepauk, Chennai-5.

+1cc to the Government Pleader, S.R.No.85142

WP No.16563 of 2005

SSI (CO)
CS/07/01/2019