

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.6.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1504 OF 2016

S. Ravichandran ... appellant

Vs

- 1 TAMILNADU WATER SUPPLY AND
DRAINAGE BOARD NO 31
KAMARAJAR SALAI
CHEPAUK CHENNAI -5
- 2 THE MANAGING DIRECTOR
TAMIL NADU WATER SUPPLY AND RAINAGE BOARD
NO 31 KAMARAJAR SALAI CHEPAUK CHENNAI-5
- 3 THE JOINT CHIEF ENGINEER
TWAD BOARD NORTHERN REGION
VELLORE 6 ... respondents

Appeal filed against the order passed by this Court dated 21/06/2016 in W.P. NO 14553 OF 2012.

PRAYER IN W.P. NO 14553 OF 2012 is filed Under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to Proceedings No. 19972/Estt.(DPI)/ A3/2001 dated 25.06.2002 on the file of the second respondent herein, quashing the far relating to the punishment of removal from service and consequently by directing the respondent to impose the similar punishment of compulsory retirement with effect from 25.06.2002 on par with Mr.Chelliah, Junior Engineer.

For appellant : Mr.S.Makesh

For Respondents : Mr.Ganesh Babu

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The challenge in this intra court appeal is to the order dated 21 June 2016 in W.P.No.14553 of 2012, dismissing the Writ Petition filed by the appellant and negating his challenge to the order removing him from service.

2. We have heard the learned counsel for the appellant. We have also heard the learned counsel for the respondents.

3. The appellant was an employee of Tamil Nadu Water Supply and Drainage Board (hereinafter referred to as the Board). The Board initiated disciplinary proceedings against the appellant and few other employees. The Board after conducting enquiry, passed an order of compulsory retirement. The appellant challenged the said order dated 25 June 2002 by filing a Writ Petition on 5 May 2012. The learned Single Judge dismissing the Writ Petition on the ground of delay and laches. The only contention taken by the appellant before the writ court relates to the order passed by the learned Single Judge in a Writ Petition filed by a co-delinquent in W.P.No.16194/2004, wherein the con-delinquent was exonerated. The appellant contended that in view of the order in W.P.No.16194/2004 he is entitled to a similar order exonerating him from the charges.

4. The learned single Judge taking note of the appeal filed against the order in W.P.No.16194/2004, dismissed the Writ Petition.

5. The appellant has placed reliance on the order dated 14 March 2012 in W.P.No.16194 of 2004. The said order has already been set aside by this Bench by judgment dated 23 April 2018 in W.A.No.132/2015. The judgment was rendered on merits and as such, the issue raised by the appellant would also be covered by the said judgment. We are therefore of the view that there is absolute no merit in the appeal.

6. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected M.P.s, are closed.

sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

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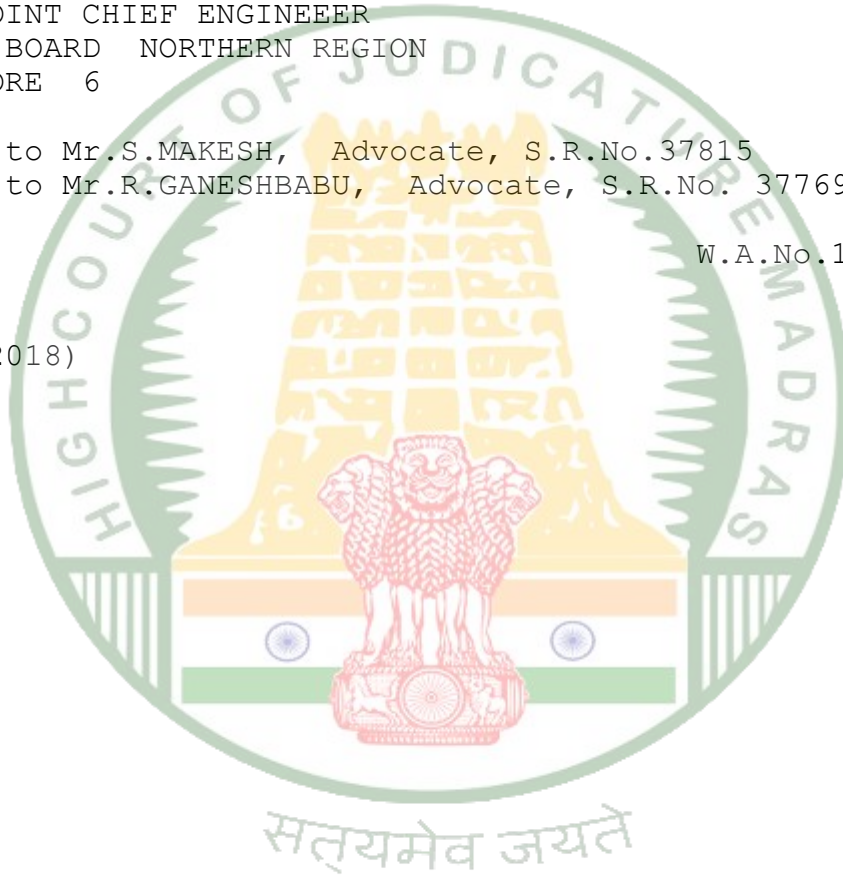
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+1cc to Mr.S.MAKESH, Advocate, S.R.No.37815

+1cc to Mr.R.GANESHBABU, Advocate, S.R.No. 37769

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KJI(CO)
TR(05/07/2018)



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