

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26120 of 2006

K.Arunachalam

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2.Director of Public Libraries,
Anna Salai, Chennai – 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in G.O.(1D) No.99, School Education Department, dated 20.04.2006 confirming the order passed by the second respondent in his Proceedings Na.Ka.No.12999/A3/2002 dated 27.12.2002 and quash the same and direct the respondents to confer all the consequential benefits to the petitioner.

For Petitioner : Mr.C.Vediappan
for M/s.S.Mani

For Respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in G.O.(1D) No.99, School Education Department, dated 20.04.2006, confirming the order passed by the second respondent in his Proceedings Na.Ka.No.12999/A3/2002 dated 27.12.2002 and to quash the same and to direct the respondents to confer all the consequential benefits to the petitioner.

2.It is the case of the petitioner that the petitioner joined as Attendar in the Local Library Authority on 19.03.1966 and was promoted as Grade III Librarian in 1973 and was further promoted as Grade I Librarian on 07.12.1989. Thereafter, the petitioner was further promoted as District Library Officer on 30.03.1999. While the petitioner was working as District Library Officer at Dharmapuri, he was issued with a charge memo dated 25.10.2002 on the ground that one Lakshmi gave a complaint to the Government claiming revised family pension as per the Official Committee Recommendation, 1996 and the same was forwarded to the Directorate, on which, no action was taken and the petitioner was called upon to submit his explanation within 15 days.

3.The petitioner would further state that he submitted his explanation on 06.11.2002. Being not satisfied with his explanation, domestic enquiry was conducted and thereafter, the second respondent vide order dated 27.12.2002 imposed the punishment of postponing the increment by six months without cumulative effect. As against the same, the petitioner filed appeal to the Government/ first respondent and the first respondent vide the impugned order in G.O.(1D) No.99, School Education Department, dated 20.04.2006, dismissed the appeal. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that though the petitioner has retired from service as early as on 30.06.2003, after a lapse of nearly three years, he has filed this writ petition since the impugned orders will affect his pensionary benefits. Accordingly, he prayed for allowing the writ petition.

5.The learned Additional Government Pleader appearing for the respondents would submit that though the petitioner has committed a grave error by not processing the family pension proposal, the Original Authority as well as the Appellate Authority, after giving fullest opportunity and after elaborate discussions have taken a lenient view and have imposed the minor punishment of postponing the increment

by six months without cumulative effect.

6.I have heard the arguments advanced on either side and perused the entire materials available on record.

7.On a perusal of the records, this Court finds that the petitioner has not processed the family pension proposal of the widow Lakshmi. The said Lakshmi has repeatedly sent representation to the petitioner for family pension. Though the petitioner was issued with a direction to report with regard to family pension, the petitioner did not take prompt action for settlement of family pension. Hence, the petitioner was issued with a charge memo under Section 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and after conducting enquiry as required under law, the Original Authority imposed the punishment. Aggrieved by the same, the petitioner has preferred appeal before the Appellate Authority and the Appellate Authority confirmed the order of the Original Authority. However, no record was placed before this Court for taking a different view.

8.The power of this Court under Article 226 of the Constitution of India to interfere with the order of the fact finding Authority is very very limited and without any materials, this Court cannot interfere with

the order passed by the fact finding Authority. Hence, I do not find any error in the impugned orders and the punishment imposed by the Authorities does not call for any interference. Accordingly, this writ petition is dismissed. No costs.

07.06.2018

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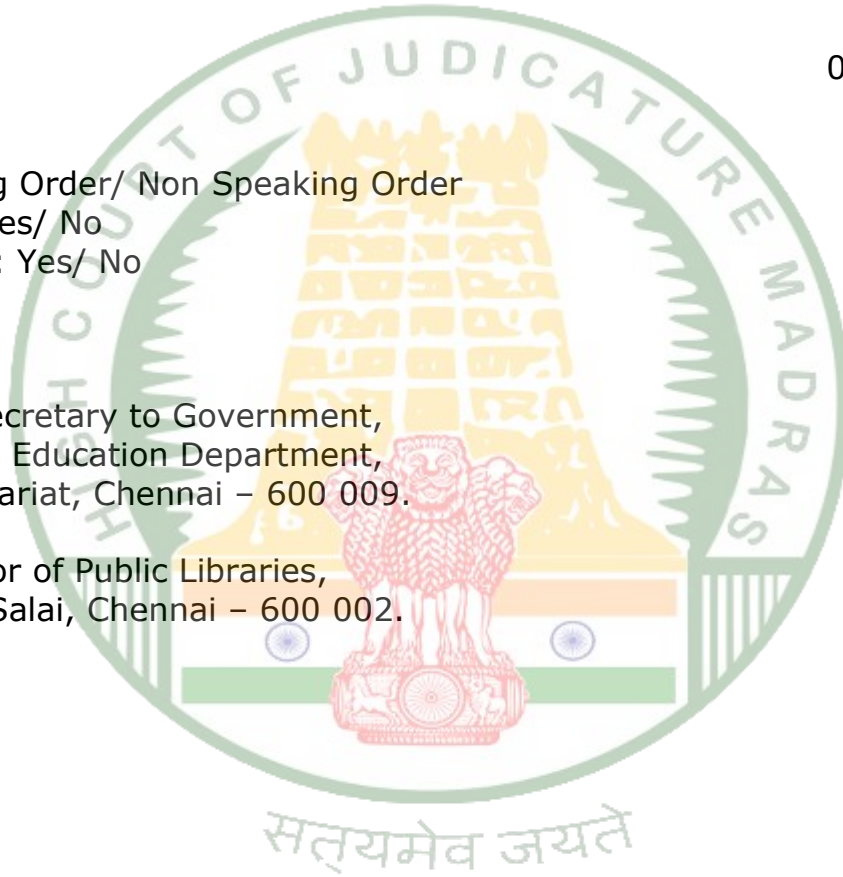
Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

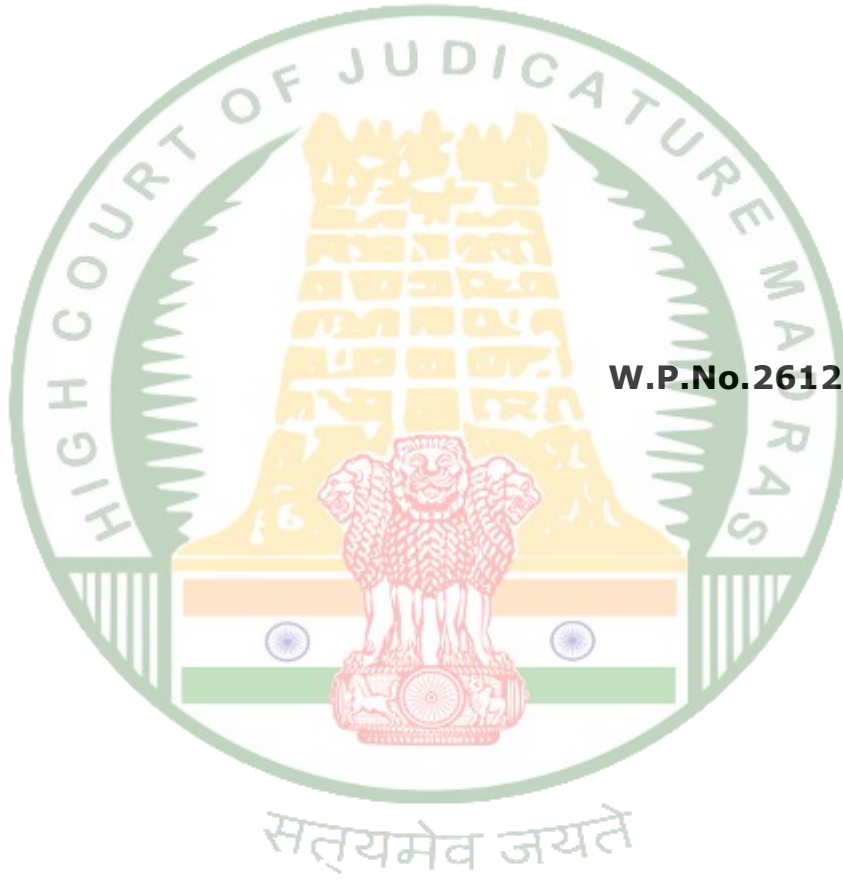
To

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.Director of Public Libraries,
Anna Salai, Chennai – 600 002.



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M.DHANDAPANI,J.
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