

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 249 of 2013

A. Nagarajan

.. Appellant

Vs.

The Executive Officer
Periyasemur 3rd Grade Municipality
Erode - 4

... Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 14.07.2011 in W.P. No. 24448 of 2009 on the file of this Court.

W.P.No.24448 of 2009 : Writ Petition under Article 226 of the Constitution of India Praying for the issue of a writ of certiorarified mandamus calling for the records relating to the order passed by the respondent in Na. Ka. No. 644/2006/A2 dt.14.11.2006 and quash the same and consequently direct the respondent to sanction all the benefits accrued by the petitioner thereon.

For Appellant : Mr.A.R.Nixon

For Respondent : Mr.P.Srinivas

JUDGMENT

(Delivered by M.M.Sundresh,J.)

This appeal is preferred against the impugned order of the learned Single Judge who dismissed the writ petition declining to interfere with the punishment imposed against the appellant.

2. The appellant, who is working as Sanitary Worker with the respondent Municipality, was served with a charge memo dated 8.11.2006, by which four charges were framed. The first charge relates to the collection of property tax as if there were houses in existence, while there was none; the second charge was that the appellant gave wrong receipts to those persons by altering the existing tax receipts proof; the third charge relates to the collection of tax for the unapproved billing, and

the fourth charge relates to showing the date of collection as 31.08.2006, while in the original receipt the date was shown as 28.08.06.

3. Learned counsel appearing for the appellant would submit that the appellant is an illiterate. He only carried out the orders of the higher officials. Being a Sanitary Worker, he did his duty. He deposited the entire amount and, therefore, there was no misappropriation of funds.

4. We are not inclined to interfere with the findings rendered by the learned Single Judge. However, we are of the view that the quantum of punishment is disproportionate, particularly by taking into consideration the nature of the work done by the appellant; he being the illiterate, and having merely carried out the directions issued by the higher officials, coupled with the fact that there was no actual loss.

5. In such view of the matter, while upholding the charges and findings, which do not warrant any interference, the punishment imposed of postponement of increment for five years with cumulative effect stands modified to three years.

6. The writ appeal stand disposed of with the above modification. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

ssm

To

The Executive Officer
Periyasemur 3rd Grade Municipality
Erode - 4

+1cc to Mr.A.R.Nixon, Advocate SR.No.4086

+1cc to Mr.S.Srinivas, Advocate SR.No.3717

W.A. No. 249 of 2013

PA(CO)
GMY(13/02/2019)



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