

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.12635 of 2010

Muthu

.. Petitioner

Vs

1.The Superintending Engineer
Water Resource Organisation
Palar Basin Division
Public Works Department
Chepauk, Chennai-5

2.The Executive Engineer
WRO/PWD
Lower Palar Basin Division
Kancheepuram

.. Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 2nd respondent in Seyal Murai Anani.No.Ee2/1713/08 dated 11.11.2009 and confirmed by the impugned order passed by the 1st respondent in Kaditha No.E2/5679/2009 dated 09.03.2010 and quash the same thereby direct the respondents to reinstate the petitioner in service with all the arrears of salary and attendant benefits.

For Petitioner : Mr.V.Jeeva Giridharan.

For Respondents : Mr.A.Ansar, Govt.Advocate

ORDER

The writ petitioner was appointed as NMR Mazdoor in the respondent department on 03.01.1992. By virtue of G.O.Ms.No.334, Public Works (C2) Department dated 19.10.2007, on completion of 10 years of service, the petitioner was brought into regular establishment and appointed and posted as Irrigation Assistant at Cheyyur Section, Madhuranthagam Sub Division.

2. It is the averment of the petitioner that though he undergone elementary school education, he could not locate his certificate and therefore approached the Head Master of

Elementary School, SADRAS, and got a certificate and produced the same to the department. The District Educational Officer, reported that the said certificate is invalid one. Therefore, he was suspended from service by order dated 14.08.2008 and a charge memo dated 05.01.2009 was issued under Rule 17-B of the TNCS (C&A) Rules.

3. The charge against the petitioner is that the petitioner submitted a bogus educational certificate and joined the Government service and violated Rule 20 of the Tamil Nadu Government Servants Conduct Rules, 1973.

4. In respect of the charge memo, Enquiry officer was appointed who conducted an enquiry and submitted a report stating that the charges levelled against the petitioner are proved.

5. The 2nd respondent called upon the petitioner to submit a reply to the said enquiry report. The petitioner submitted a detailed reply on 16.10.2009 to the 2nd respondent stating that he had not benefited anything and only on his continuous service for more than 14 years as NMR Mazdoor, his services have been regularised. The petitioner pleaded guilty of producing such unwanted certificate and sought to show mercy on him.

6. The 2nd respondent, after receipt of the above reply, passed the impugned order on 11.11.2009 removing the petitioner from service.

7. On receipt of the impugned order dated 11.11.2009, the petitioner sent a representation on 10.12.2009 to the 1st respondent to revoke the order and to reinstate him in service. But the 1st respondent, rejected the appeal by order dated 09.03.2010.

8. The respondents filed counter affidavit stating that the petitioner had produced bogus certificate and thus committed misconduct, which attracted disciplinary proceedings. After due enquiry, since the misconduct had been proved, punishment of removal from service was inflicted.

9. It is further stated in the counter affidavit that the punishment inflicted for the proved misconduct of producing bogus certificate is not disproportionate to the charges levelled against the petitioner.

10. A perusal of entire records would go to show that the disciplinary proceedings and the enquiry thereunder had been conducted by following the enunciated principles and procedures scrupulously and there was no omission of any of the procedures

in any manner. Further, sufficient opportunity has been granted to the petitioner to put forth his case and the petitioner rather pleaded guilty and not proved the certificate as genuine one.

11. In the light of the above facts, this court is of the considered view that the impugned order passed by the 2nd respondent dated 11.11.2009 is perfectly in order and no interference is required. Accordingly, the writ petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

nvsri

To

- 1.The Superintending Engineer
Water Resource Organisation
Palar Basin Division, Public Works Department
Chepauk, Chennai-5
- 2.The Executive Engineer
WRO/PWD, Lower Palar Basin Division
Kancheepuram.

+1cc to Mr.V.Jeeva Giridharan, Advocate, SR.No.90590.
+1cc to Government Pleader, SR.No.91147.

WP.12635 of 2010

AK(CO)
CSR: 10/01/2020

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