

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.12847 of 2010

P.Subramani

.. 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: Writ petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent in Seyal Murai Anani.No.Ee2/2729/07 dated 11.11.2009 and confirmed by the impugned order passed by the 1st respondent in Kaditha No.E2/5679/09 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.Jeevagiridharan

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The writ petition is filed 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.Ee2/2729/07 dated 11.11.2009 and confirmed the impugned order passed by the 1st respondent in Kaditha No.E2/5679/09 dated 09.03.2010 to direct the respondents to reinstate the petitioner in service with all the arrears of salary and attendant benefits.

2.The petitioner was appointed as a NMR Employee. On 01.01.1993 by virtue of G.O.MS.No.34 dt.19.10.2007, 1056 Nominal Muster Roll Employees who have completed 10 years of service in the respondent Department were brought into regular establishment and their services were regularised. Finding that the VII standard certificate produced by the petitioner for regularisation is not genuine, enquiry was initiated against the petitioner and a charge memo under Rule 17(b) of the TNCS (C&A) Rules was issued. The enquiry ended against the petitioner and the petitioner was removed from service on the ground of producing a certificate, which was not genuine.

3.Challenging the said order, petitioner states that other persons similarly situated had filed W.P.Nos.14328 to 14331 of 2009, challenging the removal order, and the writ petitions were allowed.

4.Be that as it may, the issue is whether the fact that the petitioner had spent 20 years of service should be taken into account or not, while deciding the quantum of punishment when the certificate produced by the petitioner, is a false certificate. No leniency can be shown to a person, who has produced a false certificate. The question is not whether it is necessary to produce the said certificate or not. The issue is when the certificate produced by the petitioner has turned to be false, whether sympathy or leniency, could be shown to the writ petitioner. No sympathy can be shown to a person who gives false certificates. This cannot be ignored or condoned. The writ petition is dismissed.

Writ petition is dismissed. There shall be no order as to costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VI)

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Sub Assistant Registrar

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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.Jeevagiridharan, Advocate sr.81053
+1cc to Government Pleader SR.NO. 81593

W.P.No.12847 of 2010

sj(co)
nr 22/11/2019



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