

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.7225 of 2008

K.Velmurugan

.. Petitioner

Vs.

1.The Collector,
Dharmapuri,
Dharmapuri District.

2.The Block Development Officer (Block Panchayat),
Palacode Panchayat Union,
Palacode, Dharmapuri District. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records relating to the impugned order of the first respondent in Na.Ka.No.16800/06/X-1 dated 28.01.2008 and quash the same.

For Petitioner : Mr.P.Manoj Kumar
For R1 : Ms.R.Janaki
(Additional Government Pleader)
For R2 : No appearance

O R D E R

The present Writ Petition is filed for issuance of a writ of Certiorari to call for the records relating to the impugned order of the first respondent in Na.Ka.No.16800/06/X-1 dated 28.01.2008 and quash the same.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the first respondent and perused the entire materials on record. Though the second respondent entered appearance through counsel, when the matter is taken up today for final disposal, there is no representation.

3.From the materials available on record, it is seen that the petitioner is challenging the order of the first respondent

dated 28.01.2008 made in Na.Ka.No.16800/06/X-1, imposing punishment of stoppage of increment for three years with cumulative effect and transferring him to Panchayat Union Elementary School, Teekadai, Pennagaram Block. According to the petitioner, without conducting any enquiry, the first respondent has imposed the above punishment. A reading of the impugned order reveals that no enquiry was conducted before imposing punishment of stoppage of increment for three years with cumulative effect. By the impugned order, the suspension of the petitioner was revoked and he was posted to Panchayat Union Elementary School, Teekadai, Pennagaram Block in a vacancy. At the time of admission, this Court did not grant any stay to the impugned order.

4. In view of the same, this Writ Petition is partly allowed setting aside the portion of the impugned order, imposing punishment of stoppage of increment for three years with cumulative effect. It is open to the respondents to conduct enquiry against the petitioner, in respect of the charges leveled against him, as per the Rule. No costs.

sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

krk

To

1. The Collector,
Dharmapuri,
Dharmapuri District.
2. The Block Development Officer (Block Panchayat),
Palacode Panchayat Union,
Palacode, Dharmapuri District.

+1cc to The Government Pleader, sr.no.47578
+1cc to Mr.p.Rajendran, Advocate, sr.no.47019

W.P.No.7225 of 2008

SS(COO
RMP(09/07/2019)