

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:03.01.2019
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN
W.P.No.9925 of 2004

P.Hemalatha

... Petitioner

-Vs-

1. The Member Secretary
Tamil Nadu Sports Development Authority
Chennai-84.
2. The District Sports Officer
Tamil Nadu Sports Development Authority
Dindigul District.
3. The District Sports Officer
Ramanathapuram
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in his proceedings implementation order No.4683/A1/2002-02 dated 26.02.2004 pursuant to the order of the 1st respondent in his proceedings No.4683/A1/2002-1 dated 26.02.2004 and quash the same and consequently direct the respondents 1 and 2 to permit the petitioner to work as a Marker at the 2nd respondent office with continuity of service and to give all attendant and other benefits.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.I.Sathish for R.1
Mr.G.B.Rajesh,
Government Advocate for R 2, 3

ORDER

The order of punishment dated 26.02.2004, imposing the punishment of stoppage of increment for two years without cumulative effect is under challenge, in the present writ petition.

2. The writ petitioner was appointed as Marker by the 1st respondent on 12.11.1991 on compassionate grounds by relaxing the rules for appointment.

3. The appointment on compassionate grounds was provided on account of the sudden demise of the husband of the writ

petitioner, late Mr.P.Balakrishnan. After appointment, the authorities competent sent the educational certificates of the writ petitioner for verification. It was found that the certificates produced by the writ petitioner were bogus, and accordingly, disciplinary proceedings were initiated and the writ petitioner was placed under suspension on 26.03.2002, by invoking sub-rule E of Rule 17 of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules.

4. The enquiry was conducted and based on the enquiry report and proved charges, a punishment of stoppage of increment for two years without cumulative effect was imposed.

5. The learned Government Advocate contended that the authorities themselves had taken a lenient view while imposing the punishment of stoppage of increment for 2 years without cumulative effect. In these circumstances, with reference to the allegation of submission of bogus certificate, the major penalty of dismissal from service is to be imposed. However, considering the fact that the writ petitioner is a widow and she was appointed on compassionate grounds, she was demoted to a lower post and allowed to continue in service as Sweeper and retired from services on 31.05.2018.

6. This Court is of an opinion that submission of bogus certificate for securing appointment is a serious misconduct. However, the authorities competent had taken a lenient view and imposed the punishment of stoppage of increment for two years without cumulative effect. Since, the authorities themselves had considered the case of the writ petitioner by imposing a minor penalty, this Court is of an opinion that no interference is required in respect of the quantum of punishment imposed by the respondents. As far as the writ petitioner is concerned, undoubtedly, the allegations are serious. However, it is brought to the notice of this Court that the writ petitioner attained the age of superannuation and allowed to retire on 31.05.2013 and would be receiving pension. This apart, the writ petitioner is already receiving family pension for the services rendered by her husband. Considering all the facts and circumstances and applying the principles of equity, this Court is of an opinion that grant of further relief in favour of the petitioner is certainly not desirable and accordingly, the writ petition stands dismissed.

7. In the result, the Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ska/mrm

To

1. The Member Secretary
Tamil Nadu Sports Development Authority
Chennai-84.
2. The District Sports Officer
Tamil Nadu Sports Development Authority
Dindigul District.
3. The District Sports Officer
Ramanathapuram
Ramanathapuram District

+1cc to Mr.I.Sathish, Advocate, S.R.No.1088

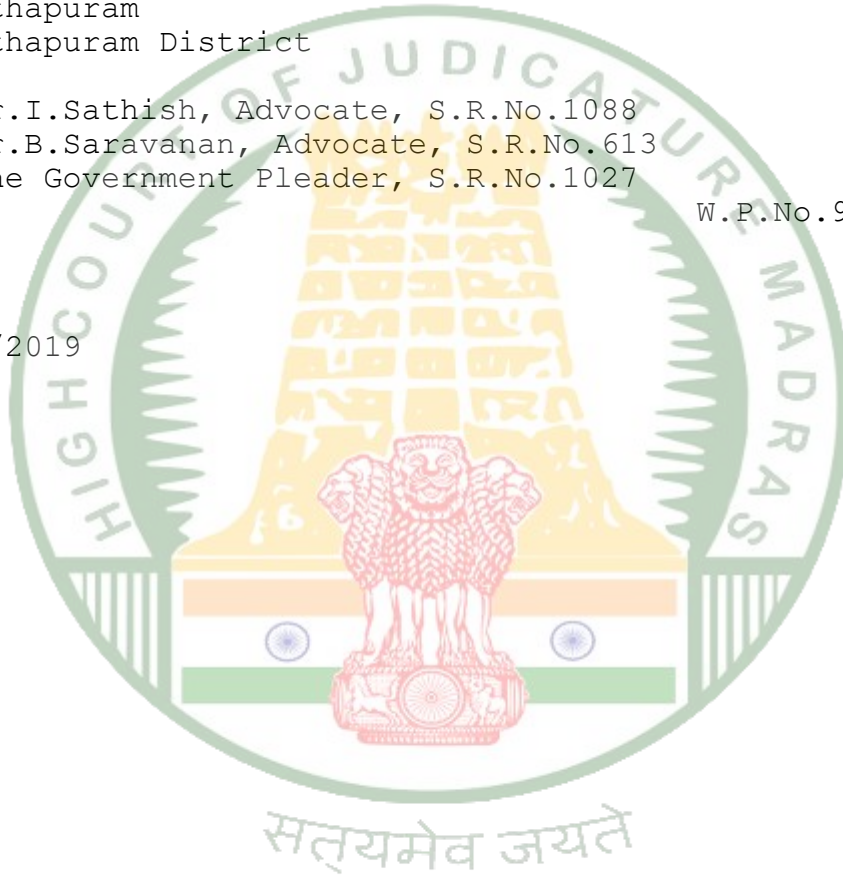
+1cc to Mr.B.Saravanan, Advocate, S.R.No.613

+1cc to the Government Pleader, S.R.No.1027

W.P.No.9925 of 2004

AD(CO)

rrs 08/02/2019



WEB COPY