

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16572 of 2019
and W.M.P.Nos.16202 to 16204 of 2019

D.Nedunchezian

.. Petitioner

Vs.

1.The Secretary to Government
Highways and Minor Ports Department
Secretariat, Chennai-9.

2.The Principal Director
Highways Department
Guindy, Chennai-600 025.

3.The District Collector
Kancheepuram District
Kancheepuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned charge memo issued by the 1st respondent in Letter No.686/HL3/2005 Highways Department, dated 19.03.2005 and the consequent order of the 1st respondent issued in letter No.13695/HK1/2018-6 Highways and Minor Ports (HK1) Department dated 13.03.2019, quash the same and consequently to direct the 1st respondent to grant selection grade to the petitioner from 24.10.2010 in the cadre of Assistant Engineer and also to consider his name for promotion as Assistant Divisional Engineer in the 2017-2018 panel.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Writ Petition is filed for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo issued by the 1st respondent in Letter No.686/HL3/2005 Highways Department, dated 19.03.2005 and the consequent order of the 1st respondent issued in letter No.13695/HK1/2018-6 Highways and Minor Ports (HK1) Department dated 13.03.2019, quash the same and consequently direct the 1st respondent to grant selection grade to the petitioner from 24.10.2010 in the cadre of Assistant Engineer and also to consider his name for promotion as Assistant Divisional Engineer in the 2017-2018 panel.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3.The case of the petitioner is that he is working as Assistant Engineer in the Highways Department under the 2nd respondent and now on deputation in NABARD and Rural Roads, Ponneri, Tiruvallur District. A charge memo was issued by the 1st respondent under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by proceedings dated 19.03.2005. Till date, no action was taken on the charge memo. Hence, this writ petition.

4.Learned Special Government Pleader appearing for the respondents submitted that after filing this writ petition, Enquiry Officer was appointed and a direction was issued to him to decide the disciplinary proceedings, which was initiated against the petitioner. After concluding the disciplinary proceedings, the 1st respondent vide G.O.(D.)No.176, Highways and Minor Ports (HL-2) Department, dated 05.11.2019, held that the charges levelled against the petitioner are proved and imposed punishment of stoppage of increment for six months without cumulative effect and ordered recovery of loss.

5.In view of the above, nothing survives for adjudication in the present writ petition. However, the learned counsel appearing for the petitioner submitted that though the petitioner was imposed punishment after 14 years vide Government Order dated 05.11.2019 and at that crucial point of time, there was no impediment for the respondents to consider the name of the petitioner for next level of promotion. In view of the submissions made by the learned counsel for the petitioner, in order to avail such benefit, the petitioner is at liberty to make a representation to the concerned authority and also file a

fresh writ petition challenging the punishment imposed by the original authority, if he so desires.

6.The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kj

To

1.The Secretary to Government
Highways and Minor Ports Department
Secretariat, Chennai-9.

2.The Principal Director
Highways Department
Guindy, Chennai-600 025.

3.The District Collector
Kancheepuram District
Kancheepuram.

+1cc to M/s.T.Ranganathan, Advocate SR.93992
+1cc to the Government Pleader SR.94579

W.P.No.16572 of 2019
and W.M.P.Nos.16202 to 16204 of 2019

KJ(CO)
CB(21/01/2020)

सत्यमेव जयते

WEB COPY