



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31729 of 2019

C.V.Poulose

..Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government
Municipal Administration & Water Supply Dept.,
Fort St.George, Chennai-600009

2. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the appeal filed by the petitioner dated 22.06.2011 forwarded by the second respondent in Roc.No.27978/2011/C4 dated 05.07.2011 in the light of the orders passed in the appeal filed by K.P.Kumaran, Assistant in G.O(Pa)No.296 Municipal Administration and Water Supply (Na.Pa1) date 12.07.2016 within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.M.Lalitha,
Government Advocate.

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus to directingthe first respondent to consider and pass orders on the appeal filed by the petitioner dated 22.06.2011 forwarded by the second respondent in Roc. No. 27978/2011/C4 dated 05.07.2011 in the light of the orders passed in the appeal filed by K.P. Kumaran, Assistant in G.O (Pa) No. 296 Municipal Administration and Water Supply (Na.Pa1) date 12.07.2016 within a time frame.



2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner was appointed as Junior Assistant in the year 1977 in the Office of the 2nd respondent and promoted as Assistant in the year 1981 and further promoted as Superintendent in the year 1997. The petitioner was due to retirement from service on 30.11.2011, the petitioner was issued with a Memorandum dated 07.01.2011 under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules for the allegation that he failed to monitor the work of Thiru K.P. Kumaran, Assistant who has not taken action the representation under RTI Act 2005. The 2nd respondent passed orders imposing penalty of stoppage of increment for a period of 2 years without cumulative effect by order dated 20.04.2011. Against the said order, the petitioner preferred an appeal before the 1st respondent on 22.06.2011, which was subsequently forwarded to the 2nd respondent on 05.07.2011 and the same is pending till date. In the meanwhile, the punishment of stoppage of increment for 3 years imposed on K.P. Kumaran was cancelled by the 1st respondent in the appeal filed by him. Whereas the petitioner's appeal not yet disposed. As against inaction, the petitioner has filed the present writ petition.

3. Learned counsel appearing for the petitioner further submitted that it would suffice, if this Court issues direction to the 1st respondent to consider and pass orders on the appeal filed by the petitioner dated 22.06.2011.

4. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the 1st respondent to consider the the appeal filed by the petitioner on 22.06.2011, forwarded by the 2nd respondent on 05.07.2011 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Municipal Administration & Water Supply Dept.,
Fort St.George, Chennai-600009

2. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

+1cc to the Government Pleader, S.R.No.93781

W.P.No.31729 of 2019

KK(CO)
CS/26/12/2019