

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33069 of 2019

V.BHUVANESHWARAN

... Petitioner

Vs

- 1 Government of Tamil Nadu
Rep. by its Principal Secretary Municipal,
Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
- 2 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the 1st respondent to consider my appeal dated 25/04/2019 in accordance with law and on its merits within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas
For Respondents : Ms.M.Lalitha, GA for R1
: Mrs. Karthika Ashok for R2

सत्यमेव जयते
O R D E R

1.The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the 1st respondent to consider my appeal dated 25/04/2019 in accordance with law and on its merits within the time frame stipulated by this Court.

2.Heard both sides.

3.According to the petitioner, the petitioner joined services of the second respondent Corporation on 08.04.1993 in the post of Assistant Engineer and thereafter he was promoted as Assistant Executive Engineer in the year 2012 and working in the said

post till date. While so, a charge memo on 08.11.2012 was served on the petitioner, levelling five charges against him. Against the Charge Memo the petitioner submitted his explanation, not satisfied with the explanation, disciplinary proceedings were initiated and after completing the enquiry, the petitioner was found guilty and was imposed with punishment of stoppage two increments with cumulative effect vide order dated 14.09.2013. Against the same, the petitioner filed an appeal before the second respondent however with a delay, but no orders have been passed in the said appeal till date. Hence this Writ petition.

4. The learned counsel for the petitioner would submit that the petitioner was imposed with the punishment of stoppage of increment for the period of two years with cumulative effect, against which the petitioner has preferred an appeal to the 1st respondent on 25.04.2019 and the same was not considered. Hence, the learned counsel would pray that it would suffice if this Court directs the third respondent to consider and dispose of the appeal preferred by the petitioner in accordance with law.
5. The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied in accordance with law.
6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the first respondent to consider the appeal preferred by the petitioner dated 25.04.2019 and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
7. With the above observation, this Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

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Sub Assistant Registrar

jrs

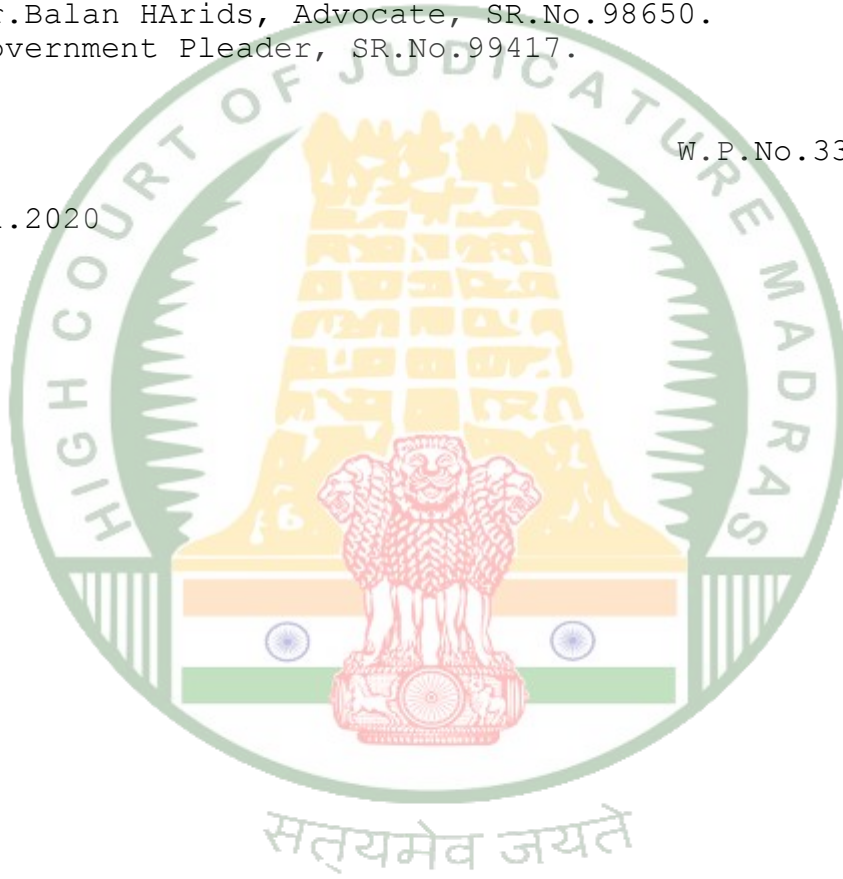
To

- 1 The Principal Secretary Municipal,
Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
- 2 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.

+1cc to Mr.Balan HArlds, Advocate, SR.No.98650.
+1cc to Government Pleader, SR.No.99417.

W.P.No.33069 of 2019

SR(CO)
CSR: 08.01.2020



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