

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

Coram

The Honourable Mr. Justice D. Krishnakumar

W.P.No.26582 of 2017

R. Janarthanan

...Petitioner

Vs.

1. The Director of Rural Development and Panchayat Raj Department,
Panagal Maligai Building, West Saidapet,
Chennai - 600 015.
 2. The District Collector,
Krishnagiri District.
 3. The Block Development Officer,
Mathur Panchayat Union,
Poochamballi Taluk,
Krishnagiri District.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records, pertaining to the impugned orders in N.K.No.62600/2015/TPC-2-2, dated 09.03.2017 on the file of the first respondent, confirming the order in N.K.No.32063/2013/K1-3, dated 03.07.2015, on the file of the second respondent and to quash the same.

For Petitioner: Mr. Neelakandan, for M/s.C.Mahendran

For Respondents: Mr. J. Pothiraj, Special Govt. Pleader

ORDER

Challenge in this Writ Petition to the order passed by the first respondent, dated 09.03.2017, whereby, the order of punishment of stoppage of increment passed by the second respondent, dated 03.07.2015, was confirmed.

2. The case of the petitioner, in short, is that, he was working as Assistant in the third respondent Mathur Panchayat Union. While he was working as Accountant (General) in the

Kaveripattinam Panchayat Union, a charge memo, dated 15.01.2014 was issued against the petitioner, containing four charges, viz., i) the petitioner has not properly given advice to the Block Development Officer with regard to sanction of funds to certain projects: ii) He has failed to follow the procedures in flouting the tenders and the maintenance of related register; iii) The petitioner has attempted to cancel the projects under General fund and iv) the petitioner has acted against Rule 20 (1) of Tamil Nadu Government Servants Conduct Rules. Pursuant to the said charge memo, the petitioner also submitted a detailed objections/explanation refuting each and every charges. However, the Enquiry Officer, vide his report, dated 14.04.2014, held that except, charge No.ii), which is partly proved, all other charges are proved. The Disciplinary Authority, viz., the District Collector/second respondent, based on the said report of the Enquiry Officer, passed an order, imposing punishment of stoppage of increment without cumulative effect for two years. Challenging the said order, the petitioner preferred an Appeal before the Appellate Authority, Director of Rural Development and Panchayat Raj Department, first respondent, raising various grounds. But, the first respondent/Appellate Authority, without considering the grounds taken by the petitioner, rejected the Appeal. Aggrieved against the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the order passed by the first respondent/Appellate Authority is a Non Speaking Order and the first respondent has not considered the grounds of appeal independently, and also not assigned any reason as to in what manner, the charges levelled against the petitioner are found to be true, but erroneously passed the impugned order, confirming the order of punishment passed by the second respondent/Disciplinary Authority, which is arbitrary in manner. Therefore, it is contended that the order impugned in the Writ Petition is liable to be set aside.

4. Per contra, the learned Special Government Pleader appearing for the respondents, by relying upon the counter affidavit filed by the respondents submitted that the second respondent passed an order of punishment by considering the fact that the charges levelled against the petitioner are found to be true by the Enquiry Officer. Since the explanations offered by the petitioner were found to be not acceptable and the charges were held to be proved by the Enquiry Officer and based on the report of the Enquiry Officer, the second respondent/Disciplinary Authority passed such order of punishment, which has been rightly confirmed by the first respondent/Appellate Authority and the impugned orders calls for no interference.

5. Heard the learned counsel for the petitioner as also the learned Special Government Pleader for the respondents and perused the materials available on record.

6. A bare perusal of the impugned order reveals that it is a cryptic order and devoid of any valid reasons. The petitioner has filed the Appeal, raising several grounds in support of his contentions, whereas, the first respondent has not given any findings/discussions in the impugned order and has simply rejected the Appeal, by stating that he does not find any reason to interfere with the order of the second respondent. The impugned order is devoid of reasons and it has to be termed as 'arbitrary', not reasonable or which cannot stand the test of judicial scrutiny. Further, it is incumbent upon the the Appellate Authority to assign reasons in his order as to why the Grounds raised by the petitioner in the Appeal is not acceptable. But, the Appellate Authority in a single paragraph, rejected the Appeal. Therefore, this Court has no hesitation to quash the impugned order passed by the first respondent, and accordingly, the same is set aside and Writ Petition is allowed and the matter is remanded to the first respondent with a direction to the first respondent to consider the matter afresh and pass orders in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, the Writ Petition is allowed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Director of Rural Development and
Panchayat Raj Department,
Panagal Maligai Building, West Saidapet,
Chennai - 600 015.

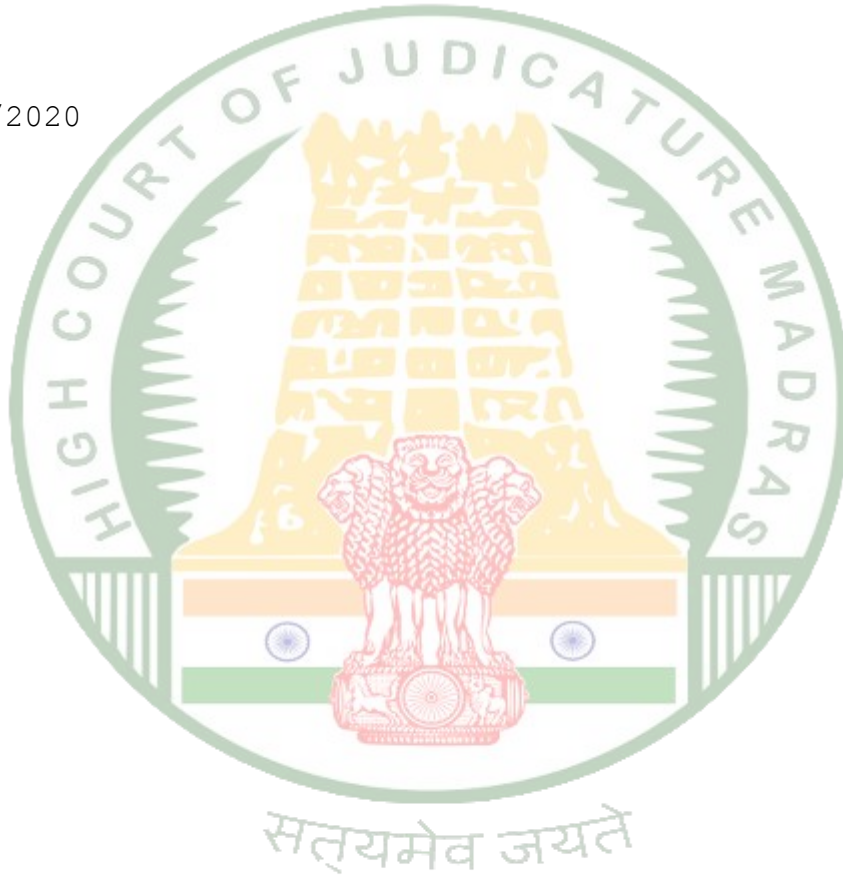
2. The District Collector,
Krishnagiri District.

3. The Block Development Officer,
Mathur Panchayat Union,
Poochamballi Taluk,
Krishnagiri District.

+1cc to M/s.C.Mahendran, Advocate Sr.94748
+1cc to the Government Pleader Sr.95094

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