

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.34043 of 2019
and WMP.No.34640 of 2019

I.Vetrrivelan

..Petitioner

Vs.

- 1.The Government, represented by its Secretary,
Public Works Department (PWD),
Fort St.George, Chennai-9.
- 2.The Engineer-in-Chief,
W.R.D & Chief Engineer (General), PWD
Office of the Engineer-in-Chief,
W.R.D & Chief Engineer (General), PWD,
Chepauk,
Chennai-600 005.
- 3.The Superintending Engineer/Enquiry Officer,
(On Deputation) Er.K.Karunanidhi (Retd.)
Project Management Unit,
ADB-IDIPT-TN, Dept. of Tourism,
Chennai-2.
- 4.The Superintending Engineer, WRD, PWD,
Palar Basin Circle,
Chennai 600 005.
- 5.The Executive Engineer,
Lower Palar Basin Division, WRO, PWD,
Kancheepuram.
- 6.The Assistant Executive Engineer,
Lower Palar Basin Subdivision,
Kancheepuram.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the Disciplinary Authority/2nd respondent in Proceedings No.CII(3)/3872/2018-5 dated 26.08.2019, being the final order of the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and quash the same and consequently direct the respondents to annul the punishment imposed, withholding the payment for a period of six months without cumulative effect as against the petitioner.

For Petitioner : Mr.A.Palaniappan
For Respondents : Mr.S.Suresh Kumar
Government Advocate

O R D E R

This writ petition has been filed challenging the impugned order dated 26.08.2019, passed by the second respondent imposing a punishment of withholding an increment for a period of six months without cumulative effect.

2.The petitioner was working as an Assistant Engineer in the PWD department. A charge memo was issued against him on 07.06.2018 and charges were levelled against him. The petitioner gave his explanation for the charges and an Enquiry Officer was appointed and an enquiry report was also given to the disciplinary authority. The disciplinary authority, who is the second respondent herein, after considering the charges, the explanation and also the report of the enquiry officer, came to a conclusion that the charges have been proved and imposed the above said punishment.

3.Aggrrieved by the same, the petitioner has filed an appeal before the first respondent on 07.11.2019 and the same has not been entertained due to some technical objections. Therefore left with no other option, the present writ petition has been filed before this Court.

4.Heard Mr.A.Palaniappan, learned counsel appearing for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate, appearing for the respondents.

5.Taking into consideration the facts and circumstances of the case and also the fact that the assessment of facts will be involved in this case, it will be appropriate if the petitioner pursues with his appellate remedy, wherein the appellate authority can go into the facts of the case and also appreciate the materials available before him. Therefore, this Court is not inclined to entertain this writ petition against the impugned order passed by the second respondent.

6.In the result, there shall be a direction to the first respondent to entertain the appeal filed by the petitioner and hear the same by giving opportunity to all the parties concerned and pass final orders in accordance with law within a period of 8 weeks from the date of receipt of copy of this order.

7.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rm

To

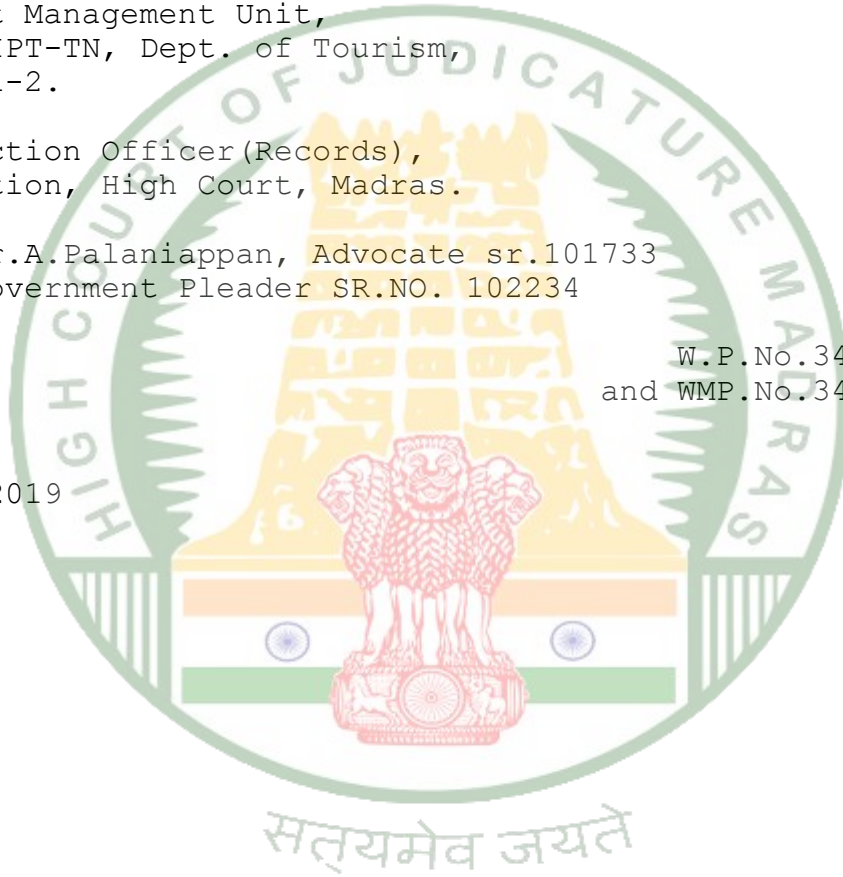
- 1.The Secretary,
State of Tamil Nadu,
Public Works Department (PWD),
Fort St.George, Chennai.
- 2.The Engineer-in-Chief,
W.R.D & Chief Engineer (General),PWD
Office of the Engineer-in-Chief,
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(On Deputation) Er.K.Karunanidhi (Retd.)
Project Management Unit,
ADB-IDIPT-TN, Dept. of Tourism,
Chennai-2.
7. The Section Officer(Records),
ER Section, High Court, Madras.

+1cc to Mr.A.Palaniappan, Advocate sr.101733
+1cc to Government Pleader SR.NO. 102234

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