



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.07.2019
CORAM

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**
AND

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**
Writ Appeal (MD) No.1110 of 2012

S.P.Ramu

.. Appellant

Vs.

1.The Secretary to Government,
Agricultural Department,
Chennai - 600 009.

2.The Chief Engineer Agricultural Engineering,
Nandanam, Chennai - 600 035.

3.The Assistant Executive Engineer (Agricultural Engineering)
Soil and Moisture Conservation Scheme,
Aruppukottai,
Virudhunagar District.

4.The Accountant General,
Teynampet,
Chennai.

..Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order made in W.P(MD)No.7396 of 2005 dated 26.09.2007.

Prayer in WP(MD). 7396/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, call for the records in pursuant to the impugned order passed by the 2nd respondent in No. O.Na.3/10167/92 dated 17/01/1997 and quash the same and consequently to direct the Respondents grant the increments and other consequential service benefits to the petitioner.

For Appellant : Mr.S.P.Ramu - Party in person
For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader (for R1 to R3)
No appearance (for R4)

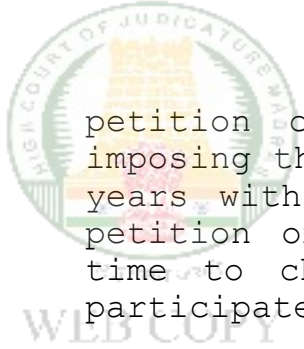
JUDGMENT

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J**]

This writ appeal is filed against the order made in W.P(MD) No.7396 of 2005 dated 26.09.2007.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The writ petitioner is the appellant. He filed the said writ



petition challenging the order of punishment, dated 17.01.1997, imposing the punishment of stoppage of increment for a period of two years with cumulative effect. The Writ Court dismissed the writ petition on the reason that the petitioner has taken eight years time to challenge the order of punishment and that he had not participated in the enquiry.

3.The appellant invited our attention to the proceedings of the Chief Engineer, dated 07.12.1984, and submitted that in fact he had attended the enquiry on 23.01.1984. Therefore, he contended that the finding of the Court, as if he did not attend the enquiry, is factually incorrect. Further, he contended that he has not slept over the matter for eight years after the order of punishment and on the other hand, he filed an appeal before the appellate authority on 25.03.1997 itself and however, the said appeal was disposed of only on 11.07.2005. He invited the order passed by the appellate authority, dated 11.07.2005, which is made available in the typed set of papers. Perusal of the said order would show that the appeal presented by the appellant on 25.03.1997 was disposed of only on 11.07.2005. In any event, as the appellate authority has also rejected the appeal, it is for the writ petitioner to challenge the said order also by amending the prayer in the writ petition. Accordingly, we are inclined to remit the matter back to the Writ Court for reconsidering the matter afresh after allowing the appellant to amend the prayer in the writ petition.

4.Accordingly, the writ appeal is allowed and the order of the Writ Court is set aside and the matter is remitted back to the Writ Court for reconsidering the matter afresh after permitting the appellant to amend the prayer in the writ petition as indicated supra. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Agricultural Department,
Chennai - 600 009.

2.The Chief Engineer Agricultural Engineering,
Nandanam, Chennai - 600 035.

3.The Assistant Executive Engineer (Agricultural Engineering)
Soil and Moisture Conservation Scheme,
Aruppukottai,
Virudhunagar District.



4.The Accountant General,
Teynampet,
Chennai.

+2 CC to M/s.P.RAMU, Advocate (SR-75873[F] dated 17/07/2019)

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_KK/SAR/31.07.2019/3P-7C/