



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

W.P. (MD) No.25279 of 2019

S.Ramasundaramani

... Petitioner

-Vs-

1.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Chennai.

2.The Commissioner,
Municipal Administration,
Chennai-600 028.

3.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to dispose of the appeal filed by the petitioner against the order passed by the second respondent in his proceedings in R.O.C.No.30367/2017/K2, dated 22.09.2019 within a time limit fixed by this Court.

For Petitioner	: Mr.P.T.S.Narendravasan
For R1 and R2	: Mr.C.M.Mari Chellaiah Prabhu, Additional Government Pleader.
For R3	: Mr.K.P.Krishnadass for Mr.V.Jayaprakash Narayanan

ORDER

This Writ Petition is filed to direct the first respondent to dispose of the appeal filed by the petitioner against the order passed by the second respondent in his proceedings in R.O.C.No.30367/2017/K2, dated 22.09.2019 within a time frame.

2.Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice on behalf of the first and second respondents and Mr.K.P.Krishnadass, learned counsel takes notice on behalf of the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was appointed as Noon Meal Organizer and thereafter, he served as Revenue Inspector at Kadaiyanallur Municipality, and later, he was transferred to Kuzhithurai Municipality. While so, he was suspended from service by the second respondent by his proceedings in ROC.No.30367/2017/K2,

dated 16.04.2018. Totally three charges were levelled against the petitioner.

4.A domestic enquiry was conducted and charge Nos.1 and 3 have been proved and charge No.2 has not been proved. Thereafter, the petitioner has been directed to submit his explanation within 15 days from the date of receipt of the enquiry report. The petitioner submitted his explanation and made several representations. However, the second respondent has not passed final report. Therefore, the petitioner filed a writ petition in W.P.(MD)No.14133 of 2019 for a direction to direct the second respondent to pass final orders and this Court, by order dated 25.06.2019, directed the second respondent to pass final orders, within four months. Thereafter, the second respondent passed final orders vide his proceedings in Na.Ka.No.30367/2017/K2, dated 22.09.2019 imposing punishment of stoppage of increment for one year with cumulative effect. Challenging the said order, the petitioner preferred an appeal before the first respondent on 14.10.2019. However, till date, no order has been passed. Hence, the petitioner has come out with the present Writ Petition.

5.Considering the nature of relief sought for in the Writ Petition, this Court without going into the merits of the matter directs the first respondent to dispose of the appeal preferred by the petitioner dated 14.10.2019, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

GNS

To

- 1.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Chennai.
 - 2.The Commissioner,
Municipal Administration, Chennai-600 028.
 - 3.The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai, Kanyakumari District.
- +1 CC to M/s.K.P. KRISHNA DOSS, Advocate (SR-102167[F]
 +1 CC to M/s.PT. S.NARENDRAVASAN, Advocate (SR-102239[F]
 +1 CC to M/s.SPL GP (SR-102786[F] dated 29/11/2019)
 SMA/03/01/2020/2P/7C

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