

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.16542 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“....to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents in imposing penalty of stoppage of two Annual Grade Increments without cumulative effect vide impugned Proc.No.305/ 2017/ A1/ Pts Dated 07.06.2018 issued by the 3rd Respondent without furnishing a copy of the enquiry report or dissent note though the disciplinary proceedings are initiated under Rule 20 of the TSCS (CC&A) Rules, 1991 and the Enquiry Officer has held the charge as not proved and further not declaring the probation on the ground that punishment subsisting by keeping the Appeal pending, as being arbitrary, illegal, opposed to principles of natural justice and in violation of Rules 20 and 21 of the aforementioned Rules and consequently be pleased to hold that I am entitled to have my probation declared and promoted as Panchayat Secretary Grade-III with benefits incidental thereto”

Heard Mr.V.Ravichandran, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she was appointed as Panchayat Secretary Grade-IV in the year 2014. While so, the disciplinary authority has initiated disciplinary proceedings against the petitioner. Though the Enquiry Officer held that the charge levelled against the petitioner is not proved, the disciplinary authority imposed punishment of stoppage of two annual grade increments without cumulative effect vide proceedings dated 07.06.2018. Aggrieved by the same, the

petitioner has preferred an appeal before the 2nd respondent on 15.09.2018. But, so far, the 2nd respondent has not passed any order on the said appeal.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the 2nd respondent to consider and dispose of the appeal preferred by the petitioner on 15.09.2018 within a reasonable period of time.

The learned Government Pleader appearing for the respondents contends that the 2nd respondent would consider and dispose of the appeal preferred by the petitioner in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to consider and dispose of the appeal preferred by the petitioner on 15.09.2018, in accordance with law, within eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05-08-2019
Prv