

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.16772 of 2007
(O.A.No.2781 of 2003)

P.Haridass

... Petitioner

Versus

The District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District. Respondent

PRAYER: Originally this petition has been filed as Original Application No.2781 of 2003 before the Tamilnadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16772 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the Respondent in Na.Ka.No.2521/A2/01 dated 16.08.2002 and quash the same and grant all consequential benefits.

For Petitioner	:	No appearance
For Respondent	:	Mr.P.Chinnadurai Additional Government Pleader

O R D E R

The petitioner has filed Application before the Tamilnadu Administrative Tribunal, Chennai in the year 2003 in O.A.No.2781 of 2003. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumbered as W.P.No.16772 of 2007.

2. This Writ Petition has been filed challenging the order passed by the respondent in Na.Ka.No.2521/A2/01 dated 16.08.2002 and seeks to quash the same and grant all consequential benefits.

3. When the matter was taken up for hearing, none appeared on behalf of the petitioner.

4.It is averred in the petition that the petitioner was working as Headmaster at Panchayat Union Elementary School, Keesh Sembedu, Vandavasi Block, Thiruvannamalai District. While he was in service, a charge memo was issued under Rule 17(b) of the Tamilnadu Civil Services (Discipline and Appeal) and totally 8 charges were framed. After enquiry all the 8 charges were proved against the petitioner and he was imposed a punishment of stoppage of one year increment. Subsequently the petitioner opted for voluntary retirement and the same was accepted and thereafter he retired from service voluntarily. At that time, the petitioner has not challenged the stoppage of one year increment and thereafter he had filed the Original Petition in the year 2003 challenging the order of the disciplinary authority regarding stoppage of increment.

5.Heard the learned Special Government Pleader and perused the materials available on record.

6. The learned Additional Government Pleader would submit that the petitioner was working as Headmaster and charge memo was issued to the petitioner on 31.07.2001. Eight charges were framed against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The main contention of the petitioner is that the copy of the enquiry report was not communicated to the petitioner and he was not given any opportunity to submit additional explanation. Therefore, imposing the punishment of stoppage of increment for one year with cumulative effect are challenged on the above two grounds.

7. He further submitted that though the petitioner has not challenged the punishment order passed by the disciplinary authority, however he filed Original Application. The facts remains that the petitioner opted for voluntary retirement and same was accepted and he had retired. Subsequently, the petitioner filed Original Application before State Administrative Tribunal challenging the punishment awarded by the disciplinary authority. If the petitioner was so aggrieved, he should have filed an appeal before the appellate authority. However, the petitioner accepted the punishment and opted for voluntary retirement, which was accepted and he was allowed to retire from the service.

8. Considering the facts and circumstances of the case the proceedings passed by the respondent is not liable to be quashed and there is no merit in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

/true copy/

Sub Asst. Registrar

mpa
To

The District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1 cc to Government Pleader sr35640

W.P. 16772 of 2007

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