

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.2101 of 2020

K.Dayanidhi

...Petitioner

Vs

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai - 600009.

2.The Commissioner of Municipal
Administration,
75, Santhome High Road,
MRC Nagar,
Chennai - 600028.

3.The Commissioner,
Poonamalee Municipality,
Poonamalee.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to pass appropriate orders on the Appeal Petition submitted by the petitioner dated 14.10.2019, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.P.V.Selva Kumar
Additional Government Pleader
for R1 & R2

Mr.P.Srinivas
for R3

O R D E R

This writ petition has been filed for the issue of a writ of mandamus, directing the 1st respondent to pass appropriate orders on the appeal petition that has been submitted by the petitioner on 14.10.2019, within a reasonable time fixed by this Court.

2.The case of the petitioner is that he was working as a Town Planning Inspector in Thiruvottiyur Municipality. A charge memo came to be issued against the petitioner by pointing out certain irregularities. The petitioner submitted his explanation. The 1st respondent, by his proceedings dated 26.05.2014, imposed a penalty of stoppage of increment for 5 years without cumulative effect against the petitioner. According to the petitioner, there were certain subsequent events that had taken place and a second charge memo came to be issued against the petitioner and the petitioner submitted his explanation. An Enquiry Officer was appointed and a report was also submitted and the petitioner also submitted his further explanation. The 2nd respondent, by proceedings dated 08.03.2017, had dropped all the charges against the petitioner. This subsequent development, according to the petitioner, has a lot of significance. Therefore, the petitioner filed an appeal before the 1st respondent on 14.10.2019. Since the same has not been considered and disposed of, the present writ petition has been filed before this Court.

3.Heard Mr.T.Ranganathan, learned counsel for the petitioner, Mr.P.V.Selva Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.P.Srinivas, learned counsel appearing for the 3rd respondent.

4.The petitioner has filed the appeal petition on 14.10.2019 in accordance with Rule 14 of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules, 1970. This rule provides that where the State Government had passed the original order imposing penalty, the aggrieved person can again file the appeal to the State Government to reconsider the order. The State Government has been given the power of review under this rule. Therefore, the petitioner has traced his right to the rule and submitted his appeal petition before the 1st respondent.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the writ petition, there shall be a direction to the 1st respondent to consider the appeal petition filed by the petitioner on

14.10.2019 and pass appropriate orders on its own merits and in accordance with law, strictly within a period of 8 weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the appeal petition dated 14.10.2019 and a copy of this order.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Municipal
Administration,
75, Santhome High Road,
MRC Nagar, Chennai - 600028.

3.The Commissioner,
Poonamalee Municipality,
Poonamalee.

+1cc to Mr.P.Srinivas, Advocate sr.7436
+1cc to Government Pleader SR.NO. 7656
+1cc to Mr.T.Ranganathan, Advocate sr.7020

W.P.No.2101 of 2020

sai(co)
nr 05.02.2020

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