

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.4002 of 2020

and

W.M.P.Nos.4737 & 4738 of 2020

K.V.K.Samy

P.A to Regional Transport Officer

RTO, Dharmapuri.

... Petitioner

- Vs -

1. The Government of Tamil Nadu
Rep. by the Secretary to Government
Home (Transport-II A) Department
Fort St.George, Madras-9.

2. The Principal Secretary /
Transport Commissioner
Chepauk, Madras - 5. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records on the file of the 1st respondent in G.O.2D No.261 dated 27.08.2019 and that of the 2nd respondent in Proc.R.No.33402/VB2/2011 dated 17.11.2017 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.P.S.Siva Shanmugasundaram
Special Government Pleader

O R D E R

On the consent given by both sides, the main writ petition has been taken up for final hearing at the admission stage itself.

2. This writ petition has been filed challenging the order passed by the first respondent dismissing the appeal filed by the petitioner and confirming the orders passed by the second respondent dated 17.11.2017, wherein, the second respondent had imposed a punishment of stoppage of increment for one year without cumulative effect.

3. The case of the petitioner is that he was working as a P.A to the Regional Transport Officer, Dharmapuri. Based on some complaint, a charge memo came to be issued against the petitioner and an enquiry was conducted and the second respondent, by order dated 17.11.2017, imposed a punishment of stoppage of increment for one year without cumulative effect against the petitioner. Aggrieved by the same, the petitioner filed an appeal before the first respondent with a delay of eight months. The appeal has been dismissed merely on the ground of delay without going into the merits of the case. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.V.Raghavachari, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents.

5. In the considered view of this Court, the first respondent will be the last Authority for the petitioner to re-appreciate the facts of the case and therefore, the first respondent

ought to have considered the appeal on its own merits without dismissing the appeal on the ground of delay. This Court is also of the considered view that the delay of eight months is not exorbitant considering the fact that the petitioner had undergone Medical treatment in a hospital and it took sometime for him to prefer the appeal.

6. In view of the above, this Court is inclined to interfere with the order passed by the first respondent dated 27.08.2019 and accordingly, the same is set aside. The matter is remanded back to the first respondent to entertain the appeal filed by the petitioner and deal with the same on merits and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KMI

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Transport-II A) Department,
Fort St.George, Madras-9.

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2. The Principal Secretary /
Transport Commissioner,
Chepauk, Madras - 5.

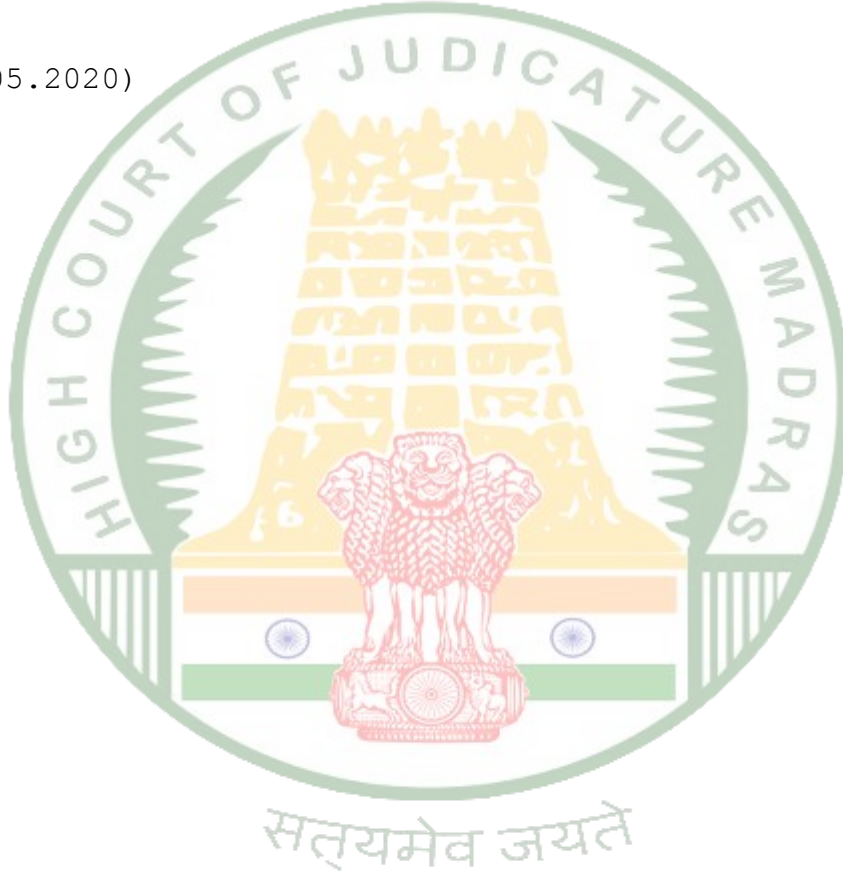
+1cc to the Government Pleader, High Court,
Madras, S.R.No.16242.

+1cc to Mr.V.Raghavachari, Advocate,
S.R.No.15495.

WP.No.4002 of 2020

SJ(CO)

VSI-2 (28.05.2020)



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