

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34836 of 2013

N.Selvaraju

... Petitioner

Vs.

1.The Commissioner of Rural Development & Panchayat Raj
Panagal Building,
Saidapet, Chennai 600 015.

2.The District Collector (PD Section)
Dharmapuri District,
Dharmapuri.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order bearing Roc.No.17373/2011/K4 dated 17.05.2012 of the second respondent herein and quash the same with all consequential benefits and further direct the second respondent to pay increment, arrears of pay, pensionary benefits etc.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.S.Thangavel

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to order bearing Roc.No.17373/2011/K4 dated 17.05.2012 of the second respondent and to quash the same with all consequential benefits and to further direct the second respondent to pay increment, arrears of pay, pensionary benefits etc.

2.The case of the petitioner is that the petitioner retired as Deputy Block Development Officer on 30.09.2012 on attaining the age of superannuation. On 22.07.2011 while the petitioner was in service, the second respondent issued a charge memo under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and

Appeal) Rules to the petitioner. The petitioner gave his explanation refuting the allegations contained and requested the second respondent to drop the charges, however, the second respondent on 17.05.2012 passed an order holding that the charges levelled against the petitioner are proved and also imposed the punishment of stoppage of increment for a period of three months without cumulative effect. Aggrieved by the same, the petitioner preferred appeal to the first respondent on 15.12.2012 and since no orders were passed, the petitioner gave representation to the first respondent on 16.05.2013 and since there is no action, has come forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the second respondent has passed the impugned order without applying his mind. He would further submit that there is no discussion with regard to the merits of the charge memo as well as the explanation given by the petitioner in the impugned order.

4.The learned Special Government Pleader did not dispute the facts submitted by the learned counsel appearing for the petitioner.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of the impugned order disclose that the second respondent has only stated that the explanation given by the petitioner is not acceptable and that the petitioner has not co-operated with the Block Development Officer and has imposed the punishment, which is non-est in law and the impugned order passed by the second respondent is liable to be interfered with.

7.The writ petition is allowed and the impugned order dated 17.05.2012 is set aside. The matter is remanded back to the second respondent for fresh consideration and for passing fresh orders. The said exercise shall be completed within a period of one year from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

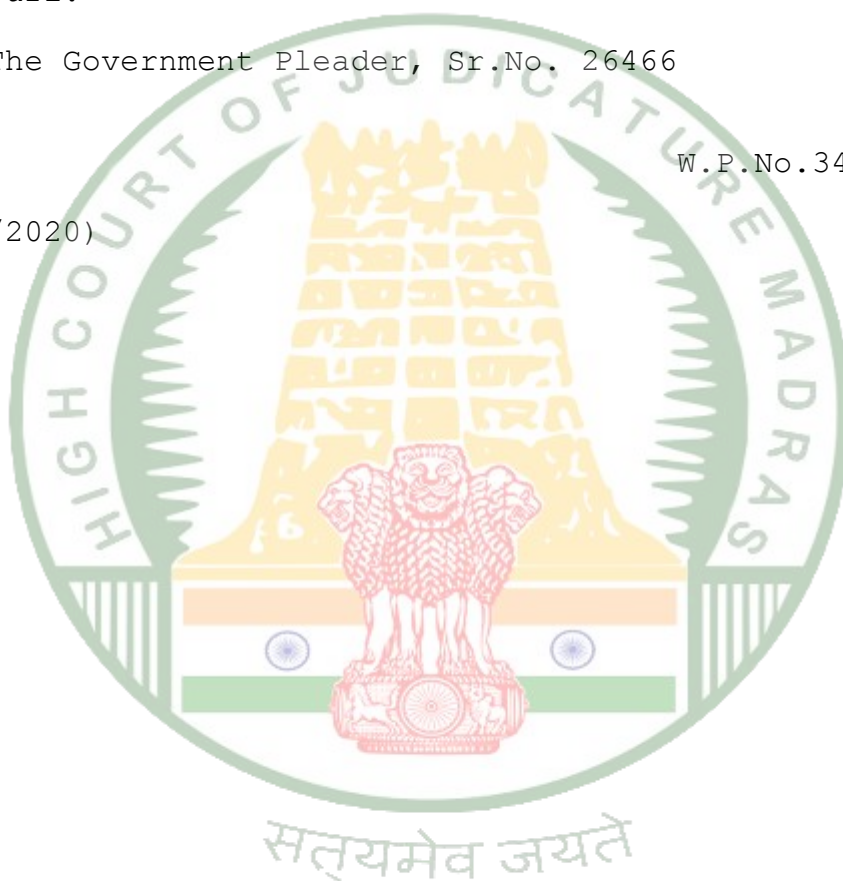
1.The Commissioner of Rural Development & Panchayat Raj
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Saidapet, Chennai 600 015.

2.The District Collector (PD Section)
Dharmapuri District,
Dharmapuri.

+1 cc to The Government Pleader, Sr.No. 26466

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SSV(CO)
RMP(03/09/2020)



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