

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9001 of 2020

V.Kumaresan

...Petitioner

Vs.

1. The Additional Chief Secretary/
Commissioner of Revenue Administration
and Disaster Management & Mitigation Department,
Chepauk,
Chennai - 600 005.

2. The District Collector,
Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's appeal dated 16.12.2019 and all the grounds raised on his behalf and to pass appropriate orders thereon on merits and in accordance with law within a limited time frame as deem fit by this Hon'ble Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader

सत्यमेव जयते
O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's appeal dated 16.12.2019 and all the grounds raised on his behalf and to pass appropriate orders thereon on merits and in accordance with law within a limited time frame.

3. The case of the petitioner herein is that while he was working as Deputy Tahsildar, he was issued with a charge memorandum on 23.01.2016 alleging certain acts of misconduct

said to have been committed by him. An enquiry was ordered into charges and on conclusion of the same, it was held that 5 charges as proved. On accepting the enquiry report finally, the disciplinary authority, by order dated 22.11.2017, imposed penalty of stoppage of increment for a period of two years with cumulative effect against the petitioner.

4. In such circumstances, the petitioner had preferred an appeal on 05.12.2017 before the first respondent and simultaneously approached this Court in W.P.No.6082/2018. This Court disposed of the writ petition on 19.03.2018 by directing the first respondent to dispose of the appeal. Thereafter, the first respondent, by its proceedings dated 10.07.2018 set aside the penalty imposed by the 2nd respondent dated 22.11.2017 and remanded the matter to the original authority.

5. Thereafter, another enquiry officer was appointed and once again, an enquiry was conducted and a report was submitted on 20.02.2019 and after conclusion of the second enquiry, the report was submitted holding the charges proved. Thereafter, the 2nd respondent, once again passed a final order on 09.12.2019 imposing the penalty of stoppage of increment with cumulative effect for three years against the petitioner. Against the order of the Disciplinary Authority viz., the 2nd respondent, the petitioner claims to have submitted an appeal on 16.12.2019 to the 1st respondent. Since the appeal has not been disposed of, this petition is before this Court seeking issue of a Writ of Mandamus.

6. Mr.M.Ravi, learned counsel appearing for the petitioner submitted that despite the appeal preferred by the petitioner in December 2019 itself, till date the appeal has not been disposed of. Therefore, the learned counsel requested this Court to direct the first respondent to pass orders on the appeal within a stipulated time as the petitioner has already suffered loss of promotion for last several years due to the pendency of the disciplinary action initiated against him.

7. Notice was ordered in the writ petition and Mr.R.A.S.Senthilvel, learned Additional Government Pleader entered appearance. Today, when the matter is taken up, the learned Additional Government Pleader submitted that he would have no objection, if a direction is issued as prayed for.

8. Considering the limited scope of the prayer in the writ petition and also the fact that the appeal has still not been disposed of by the first respondent, the Writ Petition is ordered as under.

The first respondent is directed to pass appropriate orders on merits and in accordance with law on the appeal said to have been filed by the petitioner on 16.12.2019 within a period of four weeks from the date of receipt of a copy of the order.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

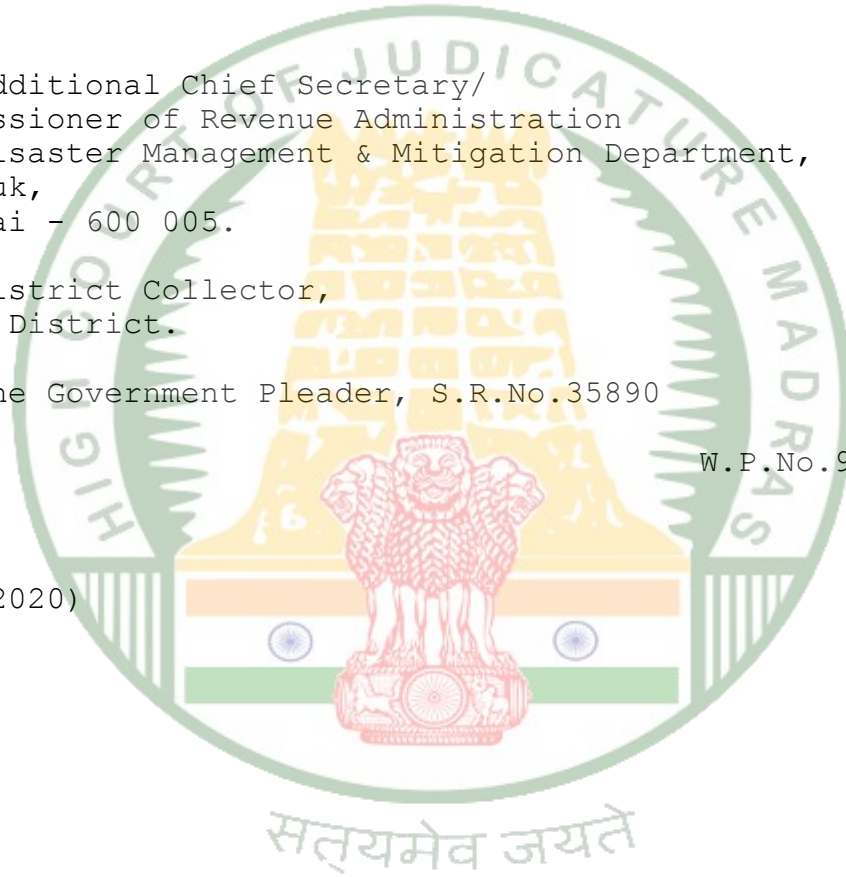
To

1. The Additional Chief Secretary/
Commissioner of Revenue Administration
and Disaster Management & Mitigation Department,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Erode District.

+1cc to the Government Pleader, S.R.No.35890

W.P.No.9001 of 2020

SRA(CO)
RV(02/12/2020)



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