

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9745 of 2020

B.Balraj

... Petitioner

vs.

The Additional Chief Secretary to Government,
Home Department,
Fort. St.George,
Chennai 600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records pertaining to the impugned order passed by the Respondent herein in his proceedings G.O.(2D). No.52 Home (SC) Department dated 21.02.2020 and quash the same.

For Petitioner : Mr.G.Bala
for M/s.G.Bala & Daisy

For Respondent : Mr.P.V.Selvakumar
Additional Government Pleader

O R D E R

Petitioner has come up with the present Writ Petition challenging the order dated 21.02.2020 passed by the Respondent herein vide G.O.(2D).No.52 Home (SC) Department.

2. According to the Petitioner, the original order of stoppage of increment for a period of six months without cumulative effect was passed on 10.11.2008 and this Court, by an order dated 02.11.2017 in W.P.No.8543 of 2009, had set aside the same and directed the Respondent herein to consider the Petitioner's further explanation dated 30.10.2007 and pass appropriate orders within a period of eight weeks. The grievance of the Petitioner is that, on 21.02.2020, the Respondent has passed the impugned order enhancing the punishment into that of cut in pension of Rs.240/- for a period of one year.

3. Though, it is the case of the Petitioner that, he has been penalized with an enhanced punishment, that too without being afforded an opportunity of hearing, this Court is of the view that, if the impugned order is set aside and the matter is remanded to the Authority concerned, then the entire matter is at large and it is for the Authority to

decide. In such case, there are chances of imposing a severe punishment on the Petitioner, than the one imposed now.

4. Undoubtedly, the Petitioner herein has invited trouble and has suffered severe punishment. As there is no perversity in the impugned order passed by the Respondent, this Court is not inclined to interfere with the same.

Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CO MDU)

//True copy//

Sub Assistant Registrar

(aeb/jas)

To:

The Additional Chief Secretary to Government,
Home Department,
Fort.St.George,
Chennai 600 009.

W.P.No.9745 of 2020

VS (CO)
GMY (29/09/2020)



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