

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/3/2020

C O R A M

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12485 of 2018

N.Manogaran

...

Petitioner

Vs

The District Collector
Kancheepuram District
Kancheepuram.

...

Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records comprised in impugned order of punishment passed by the respondent in Na.Ka.No.27841/2015/A3 dated 22/4/2017 and quash the same.

For petitioner ... Mr.J.Selvarajan

For respondent ... Mrs.R.Janaki
Additional Government Pleader

O R D E R

The present writ petition has been filed by the writ petitioner, challenging the punishment imposed on him, vide order, dated 22/4/2017, imposing a penalty of stoppage of increment for a period of three months without cumulative effect.

2. The petitioner while working as Special Tahsildar, appears to have committed certain acts of mis-conduct, for which, he was charge sheeted, vide, Charge memo, 20/1/2016, containing four articles of charges. On receipt of explanation from the petitioner, enquiry proceedings were initiated against him. On completion of enquiry, a report was filed on 13/2/2017. Disciplinary authority agreeing with the enquiry report, slapped the petitioner with penalty order, imposing punishment of stoppage of increment for a period of three months. The said

order is impugned in the writ petition.

3. After notice, Mrs.R.Janaki, learned Additional Government Pleader entered appearance and filed a draft counter.

4. Learned counsel appearing for the petitioner would submit that the petitioner has not committed any misconduct at all. Though the punishment imposed on him was only stoppage of increment for three months, yet because of the pendency of the disciplinary proceedings for over two years, his further promotion was denied. Learned counsel would draw reference to various entries made in regard to the distribution of Dhoties. But this Court is not inclined to delve into the factual disputes.

5. Mrs.R.Janaki, learned Additional Government Pleader would contend that regular enquiry was conducted and the petitioner was found guilty of all the charges framed against him. Once the enquiry report finds the petitioner guilty of all the charges, such report is on the basis of the evidence, materials made available to the Enquiry Officer, unless the finding is completely perverse, the same need not be rejected. Disciplinary Authority rightly accepted the findings and imposed a very minor punishment of stoppage of increment for three months without cumulative effect. Therefore, it does not call for any interference.

6. Considering the submissions of the parties and on going through the affidavit and the grounds filed in support of the case of the petitioner, this Court is unable to see any worthwhile reason to interfere with the punishment imposed by the respondent on the petitioner. In fact, in the charge memorandum, serious allegations were made against the petitioner and despite the allegations found to be true by the enquiry report, yet the respondent has imposed a very minor penalty on the petitioner. Therefore, the petitioner has absolutely no legitimate cause of action for questioning the penalty, which, in the opinion of this Court, may not have any impact at all on financial benefits as admissible to the petitioner during his service. Moreover, this Court cannot be drawn into the factual discrepancies or controversies and the judicial review is available to the petitioner only when procedural violations take place in the disciplinary action and even such procedural violations take place in the disciplinary action and even such procedural violation if any, the same has to be mandatory in nature. This Court does not find any infirmity in the enquiry conducted against the petitioner.

7. For the above said reasons, this Court finds that there is no merit in the writ petition and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs

To

The District Collector
Kancheepuram District
Kancheepuram.

+1cc to Mr.J.Selvarajan, Advocate, Sr.No.20324

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NMI (CO)
GS (29/05/2020)