

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.08.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.10786 of 2020

Karthick

...Petitioner

Vs.

1.The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai-5

2.The Secretary to Government,
Home (Transport II-A) Department,
Fort St.George, Chennai-9

...Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Mandamus, directing the respondent to pass orders on the appeal memorandum submitted by the petitioner dated 08.01.2020 against the punishment imposed on him by the first respondent in his proceedings R.No.12642/VB3/2017 dated 01.11.2019 within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.J.Ramesh,
Additional Government Pleader

ORDER

This matter is taken up through Web hearing.

2.The petitioner was recruited as Assistant on the basis of the selection conducted by the Tamil Nadu Public Service Commission and allotted to the Transport Department and he joined the service on 13.12.2012. His services came to be regularized by proceedings of the first respondent dated 30.01.2015 with effect from the date of his joining on 13.12.2012. Thereafter his probation was also declared by the first respondent on 13.03.2017 with effect from 11.12.2014. According to the petitioner, he was due for promotion as Superintendent.

3.In discharge of his duties, some irregularities were noticed, for which a charge memorandum was issued under Rule 17 (a) of the Tamil Nadu (Disciplinary and Appeal) Rules. The allegation against the petitioner was that he was responsible along with other staff for theft of Computer receipts in the Regional Transport Office, Coimbatore (North). The charge memo was issued on 13.04.2008 and the petitioner stated to have submitted his reply on 27.04.2018, strongly denying the charges. The Disciplinary Authority, not satisfied with the explanation of the petitioner, by his proceedings dated 01.11.2019 imposed a punishment of stoppage of increment for a period of two years without cumulative effect and as against that, the petitioner preferred a statutory appeal to the second respondent on 08.01.2020. Despite lapse of several months, the appeal preferred by the petitioner on 08.01.2020 has not been disposed of by the second respondent and therefore, the petitioner is before this Court.

4.The learned counsel for the petitioner Mr.Muthappan would submit that since the prayer in the writ petition is limited, seeking direction to the second respondent to dispose of the appeal, no adjudication is required in the matter and this writ petition may be disposed of by fixing a reasonable time for the second respondent to pass orders on the petitioner's appeal.

5.Mr.J.Ramesh, learned Additional Government Pleader, who took notice on behalf of the respondents, on instructions, would submit that the prayer of the petitioner can be granted by granting eight weeks time for disposal of the appeal, by the second respondent.

6.In view of the above submissions, the writ petition is disposed of as under;

The second respondent is directed to pass orders in the appeal dated 08.01.2020 filed by the petitioner against the penalty imposed on him by the Disciplinary authority dated 01.11.2019, on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order and communicate the same to the petitioner forthwith.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

To

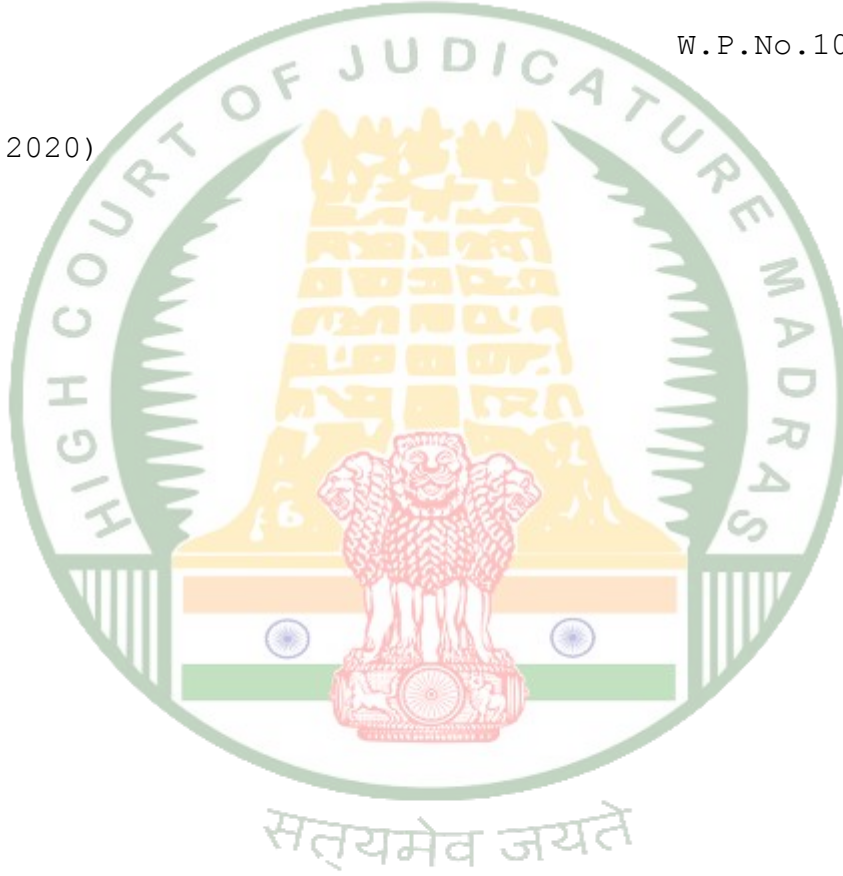
1.The Principal Secretary/
Transport Commissioner,
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2.The Secretary to Government,
Home (Transport II-A) Department,
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+1CC to Government Pleader in Sr no.27378

W.P.No.10786 of 2020

SKS(SO)
RV (01.09.2020)



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