

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4876 of 2021

P.Stephen

... Petitioner

Vs.

1. The Secretary to Government,
Revenue & Disaster Management,
(Additional Chief Secretary),
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

2. The Commissioner,
Survey and Settlement,
Survey House,
Chepauk, Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st Respondent to consider and pass orders on the representation dated 08.01.2021 submitted by the Petitioner in accordance with law within the time limit stipulated by this Court, by setting aside the order of penalty dated 27.07.2011 as confirmed by Appellate orders dated 10.01.2012 and 18.02.2020 and to exonerate the Petitioner from the charges framed.

For Petitioner : Mr.P.V.S.Giridhar

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

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O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to consider and pass orders on his representation dated 08.01.2021 in accordance with law, by setting aside the order of penalty dated 27.07.2011 as confirmed by Appellate orders dated 10.01.2012 and 18.02.2020 and to exonerate him from the charges framed.

2. According to the Petitioner, he was appointed as Field Surveyor on 09.03.2001 and is currently posted as Deputy Inspector of Surveyor. It is his grievance that, despite his detailed explanation dated 23.03.2011 to the Charge Memo, the Disciplinary Authority mechanically imposed the minor penalty of stoppage of increment for a period of six months without cumulative effect and without affecting pensionary benefits. As his Appeal dated 26.09.2011 to the Appellate Authority stood rejected, the Petitioner submitted a representation dated 08.01.2021 to the 1st Respondent. However, there is no response to the same.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the 1st Respondent herein to consider the Petitioner's representation dated 08.01.2021 in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of sixty days from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of his representation and a copy of this order to 1st Respondent, forthwith. The 1st Respondent is directed to communicate the decision taken on the representation, to the Petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that there is no need for the parties to file a Contempt Petition after expiry of the specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that, they are not aware of the order of this Court.

With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AEB

To:

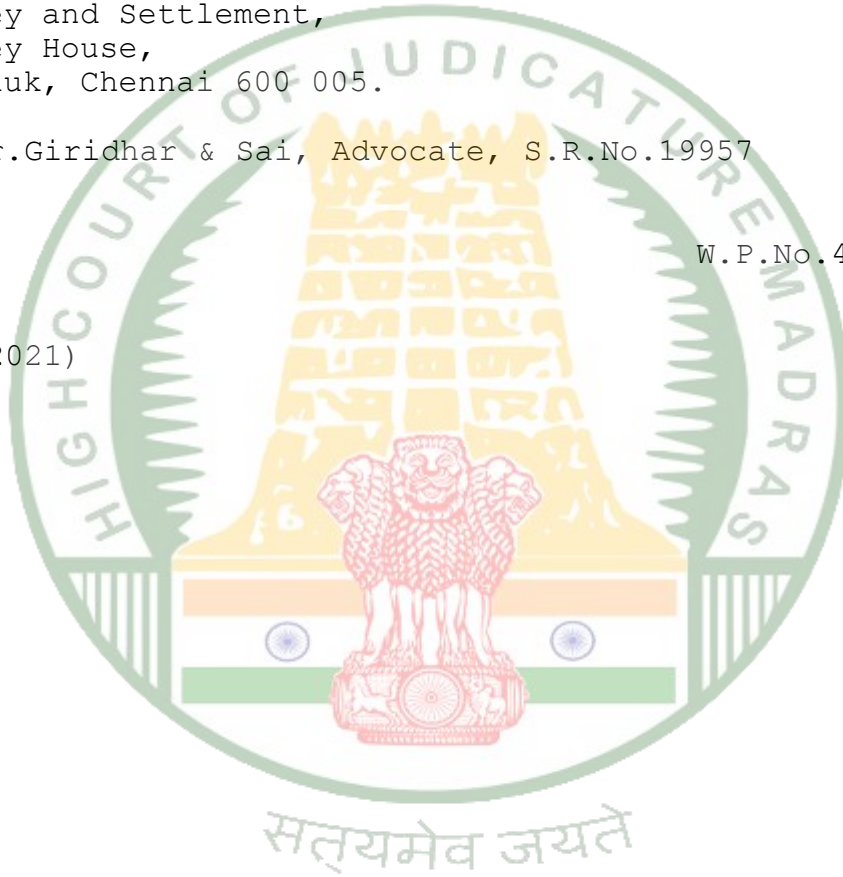
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+2cc to Mr.Giridhar & Sai, Advocate, S.R.No.19957

W.P.No.4876 of 2021

PL(CO)
TE(27/04/2021)



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