

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.29382 of 2014

S.Kuppusamy

... Petitioner

Vs.

1. The Central Vigilance Commission,
Rep. by Central Vigilance Commissioner,
Satarkata Bhavan, 'A' Block,
GPO Complex, New Delhi – 110 023.

2. The Secretary (Vigilance),
Department of Posts,
Dak Bhavan, New Delhi – 110 001.

3. Postmaster General,
Chennai City Region,
O/o.Cheif Postmaster General,
Anna Salai Chennai.

4. Senior Superintendent of Post Offices,
Tambaram Division, Tambaram,
Chennai – 600 045.

5. Mr.T.Neelakrishnan,
Senior Superintendent of Post Offices ,
Tambaram Division, Tambaram,
Chennai – 600 045.

6. Mr.A.Kuppusamy,
Chief Post Master, Chennai GPO,
Chennai – 600 001.
[Formerly Senior Superintendent of Post Offices,
Tambaram]

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take appropriate action against the respondents 5 and 6, through the third respondent based on petitioner representation dated 25.03.2014 and pass appropriate Order in accordance with law within a reasonable time to be fixed by this Court and consequential direction to restore petitioner place of working i.e., Tambaram, Chennai with same post by revoking the punishment imposed on petitioner.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.G.Venkatesan – R 1 & R2
Mr.N.Ramesh – R3 to R5

ORDER

This writ petition has been filed by the petitioner seeking a mandamus, to direct the first respondent to take appropriate action against the respondents 5 and 6, through the third respondent based on the petitioner's representation dated 25.03.2014 and pass appropriate order in accordance with law within a reasonable

time to be fixed by this Court and consequently restore the petitioner in the same place at Tambaram, Chennai with the same post by revoking the punishment imposed on him.

2. According to the learned counsel for the petitioner, the petitioner joined as Lower Division Assistant, on 27.11.1982, attached to Savings Bank Control Organisation Section in the Postal Department. Later, in July 2010, he joined at Tambaram Head Post Office in the cadre of Senior Most BCR, PA. While so, on 10.04.2013, with regard to the malpractices done by the respondents 5 and 6 in Tambaram Postal Region, he made a complaint to the first respondent, following which, he made complaint dated 10.07.2013 and representation dated 13.01.2014 to the second respondent. Subsequently, the fifth respondent by using his power as the fourth respondent, issued a charge memo dated 17.01.2014, to which, the petitioner submitted his explanation on 29.01.2014. Being dissatisfied with the same, the fourth respondent passed an order dated 19.03.2014, imposing a punishment of reduction in petitioner's pay from Rs.15,680/- to Rs.15,100/- in the pay band of Rs.9300/- to Rs.34,800/- with the grade pay of Rs.4,200/- for a period of one year and six months without cumulative effect from April 2014, with a

further punishment of not earning any increment during the period of reduction and that, on the expiry of the said period, the reduction will not have the effect of postponing his future increment of pay. Feeling aggrieved, the petitioner filed an appeal before the appellant authority. Pending the said appeal, he made an online representation on 25.03.2014 to the first respondent requesting to conduct proper inquiry and for taking appropriate action against the respondents 5 and 6. However, the said representation was not considered. Further, the petitioner was transferred from Tambaram to St.Thomas Mount and reverted from the post of Officiating Supervisor (HSG-II) to the post of Supervisor /SBCO. Hence, this writ petition.

3. On the other hand, the learned counsel appearing for the first and second respondents fairly submitted that if the representation of the petitioner dated 25.03.2014 is pending, the same would be considered by the respondents in accordance with law, within a stipulated time to be fixed by this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without

going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 25.03.2014, if not already considered, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs.

29.01.2021

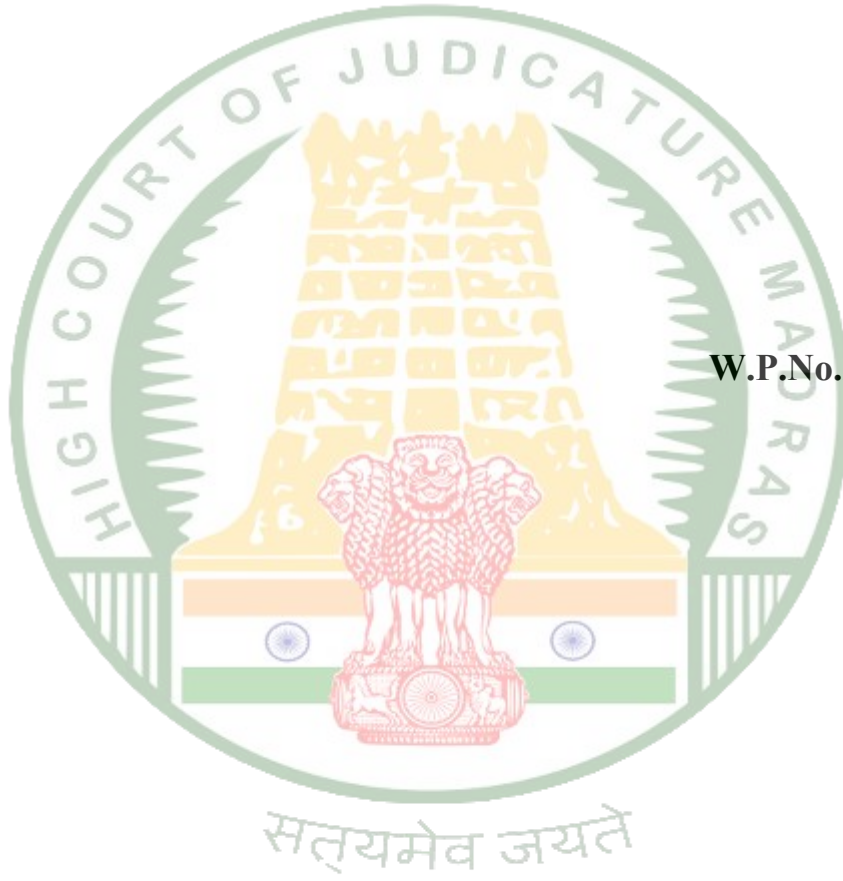
Index: Yes/ No
vrc

To

1. The Central Vigilance Commissioner,
Central Vigilance Commission,
Satarkata Bhavan, 'A' Block,
GPO Complex, New Delhi – 110 023.
2. The Secretary (Vigilance), Department of Posts,
Dak Bhavan, New Delhi – 110 001.
3. Postmaster General, Chennai City Region,
O/o.Cheif Postmaster General,
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4. Senior Superintendent of Post Offices,
Tambaram Division, Tambaram,
Chennai – 600 045.

R.MAHADEVAN, J.

VTC



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