



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.25658 OF 2021

AND

W.M.P.NO.27091 OF 2021

D.Selvakumar

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Rural Development & Panchayat
Revenue Department,
Secretariate,
Chennai - 600 009.

2. The Director of Rural Development
and Panchayat Revenue Department,
Panagal Building, Saidpaet,
Chennai - 600 0015.

3. The District Collector,
(Development Section),
Namakkal,
Namakkal District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in Na.Ka.No.Ni/8014/2012-2 dated 04.03.2013 and quash the same and consequently direct the respondent to fix the increment and grant pensionary benefits to the petitioner.

For Petitioner : Mr.K.Sannjay

For Respondents : Mr.G.Nanmaran
Special Government Pleader



O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in Na.Ka.No.Ni/8014/2012-2 dated 04.03.2013 and quash the same and consequently direct the respondent to fix the increment and grant pensionary benefits to the petitioner.

2. The case of the petitioner is that while he was working as Deputy Block Development Officer, the 3rd respondent issue charge memorandum under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules dated 29.03.2012 containing three articles of charges. In response to the charge memorandum, an explanation was submitted by the petitioner on 16.04.2012 denying the charges. However, without considering the explanation given by the respondent, he was imposed with the penalty vide order dated 04.03.2013 of stoppage of increments. The said order is the subject matter of challenge in the present writ petition.

3. This Court is unable to appreciate as to how the petitioner can be allowed to approach this Court at this distance of time. Not a word of explanation has been stated in the entire affidavit as to why he has chosen to challenge the penalty imposed on 04.03.2013 in 2021. This Court is simple aghast as to how the petitioner even think of filing the writ petition at this distance of time, when the matter is allowed to be settled finally against him. The writ petition is hopelessly time barred, which cannot be entertained even for a second.

4. In the absence of any efforts on the part of the petitioner to explain the delay, this Court is in fact, initially wanted to dismiss the writ petition with exemplary costs, as the petitioner has not taken minimum care to even explain the delay for approaching this Court after a period of eight years from the date, when the cause of action arose. However, considering the fact that the petitioner is a senior citizen, this Court is not willing to go ahead with the imposition of costs on him.

5. For the above said reasons, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



vsi

To

1. The Secretary to Government,
State of Tamil Nadu,
Rural Development & Panchayat
Revenue Department,
Secretariate,
Chennai - 600 009.
2. The Director of Rural Development
and Panchayat Revenue Department,
Panagal Building, Saidpaet,
Chennai - 600 0015.
3. The District Collector,
(Development Section),
Namakkal,
Namakkal District.

W.P.NO.25658 OF 2021

KSM(CO)
PBS/21/12/2021