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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.25752 of 2021

and

W.M.P.No.27203 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 &
Panchayat Revenue Department,
Panagal building,
Saidapet,
Chennai - 600 015.

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

..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 2nd and 3rd respondents in Na.Ka.No.78957/ 2014/TPC 3-1 dated 30.09.2016 and also in Na.Ka.No.Ni.1/19246/ 2011-2 dated 23.10.2013 and quash the same by issuing a writ of certiorarified mandamus 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 2nd and 3rd respondents in Na.Ka.No.78957/ 2014/TPC 3-1 dated 30.09.2016 and also in Na.Ka.No.Ni.1/ 19246/ 2011-2 dated 23.10.2013 and quash the same.

2. The case of the petitioner is that while he was working as Deputy Block Development Officer, a charge memorandum was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on 13.07.2011. According to him, three charges were framed and enquiry was also conducted into the charges. An Enquiry Officer who conducted the enquiry found all the charges stood proved. After taking note of the report filed by the Enquiry Officer, the 3rd respondent, on 06.08.2013, sought explanation from the petitioner as to the contents of the report filed by the Enquiry Officer. The 3rd respondent, after taking note of the explanation submitted by the petitioner dated 23.08.2013, passed a final order on 23.10.2013, imposing punishment of stoppage of increment of a period of two years without cumulative effect. As against that, the petitioner preferred an appeal on 30.12.2013 and the same was also confirmed on 13.09.2016. As against the order passed by the Disciplinary Authority, the present wit petition has been filed in 2021.

3. In the entire affidavit, not even a word has been spared for explaining why the writ petition has been filed after the delay of five long years in assailing the punishment order passed by the authority on 23.10.2013 and the appeal order dated 13.09.2016. In the absence of any material or averment in explaining the reasons for the delay in approaching this Court, this Court does not think that the petition can be entertained at all.

4. The petitioner has casually and leisurely has approached this Court and not even thought it fit to explain the conduct of approaching this Court belatedly with such stale claim.

5. In such circumstances, this Court does not think that the case should be entertained at all, particularly, with reference to the cavalier attitude of the petitioner, having approached this Court with casual disposition without any regard in involving the constitutional jurisdiction of this Court.



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

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The State of Tamil Nadu,
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Panchayat Revenue Department,
Secretariate, Chennai - 600 009.
2. The Director of Rural Development &
Panchayat Revenue Department,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Collector,
(Development Section),
Namakkal District,
Namakkal.

+1cc to Mr.K.Samjay, Advocate, S.R.No.64519

W.P.No.25752 of 2021

SRA(CO)
RGA(28/12/2021)