



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2894 of 2021

and

W.M.P (MD) Nos.2355 and 2356 of 2021

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K.Nagarajan B.E.,
Assistant Engineer,
(Public Works Department/Water Resources Department)
Irrigation Section,
Nerukuppai,
Virusuliyaru Basin Sub Division,
Tiruppathur,
Sivagangai District. ...Petitioner

Vs.

- 1.State of Tamil Nadu represented
by Secretary to Government,
Public works (E1) Department,
Fort St.George, Chennai.
- 2.The Executive Engineer,
(Public Works Department/Water Resources Department)
Manimuthar Basin Division,
Devakottai,
Sivagangai District.
- 3.The Commissioner,
Tribunal for Disciplinary Proceedings,
5/1B, Vinayaga Nagar,
Madurai-20. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating with the order of the first respondent made in G.O(D) No.106, Public Works (E1) Department, dated 09.05.2019 relating with the order of punishment withholding of the petitioner's increments for two years with cumulative effect besides the recovery of Rs.2,919/- from his salary as arbitrary and illegal quash the same.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.S.Dhayalan
Government Advocate



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2.The petitioner herein was subjected to disciplinary proceedings on a set of charges and after the enquiry report was filed on 09.05.2019, the petitioner was imposed with the punishment of withholding of increment for a period of two years with cumulative effect. As against the same, the petitioner had preferred an appeal before

the Government on 05.08.2019, which is said to be pending. Apparently, since there was an inordinate delay in disposal of the appeal, the present writ petition has been filed.

3.When the petitioner herein had already filed an appeal against the original order of punishment and the same is also pending, it would not be appropriate for this Court to simultaneously adjudicate the writ petition challenging the very same punishment. Nevertheless, if the first respondent herein is directed to complete the appeal proceedings within a stipulated time, the ends of justice could be secured.

4.Accordingly, no interference is required to the impugned proceedings. However, there shall be a direction to the first respondent herein to consider the petitioner's appeal dated 05.08.2019, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

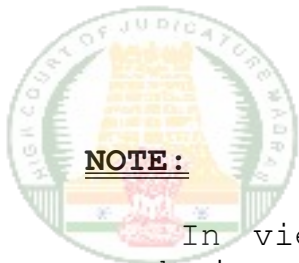
Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.State of Tamil Nadu represented
by Secretary to Government,
Public works (E1) Department,
Fort St.George, Chennai.

2.The Executive Engineer,
(Public Works Department/Water Resources Department)
Manimuthar Basin Division,
Devakottai,
Sivagangai District.

3.The Commissioner,
Tribunal for Disciplinary Proceedings,
5/1B, Vinayaga Nagar,
Madurai-20.

+1 CC to M/s.SPL GP (SR-5683[F] dated 17/02/2021)

W.P.(MD) No.2894 of 2021
16.02.2021

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MJ(CO)
KK(24.03.2021) 3P 5C