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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.1707 of 2012

N.Parthipan ...Petitioner

Vs

1.The Commissioner of Rural Development,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Collector,
PD Section,
Coimbatore District,
Coimbatore. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to order bearing ROC No.46213/2011/DPC-2.2 dated 14.10.2011 of the 1st respondent herein modifying the order passed by the 2nd respondent herein in the proceedings bearing ROC No.437/2009/T.1 dated 15.08.2010 and quash the same with all consequential benefits.

For Petitioner : Mr.A.S.Palanisamy

For Respondents : Mr.V.Nanmaran, AGP

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ORDER

Heard Mr.A.S.Palanisamy, learned counsel for the petitioner and Mr.V.Nanmaran, learned Additional Government Pleader for the respondents.

2. On the basis of certain proved charges, the second respondent/ District Collector had passed an order dated 15.08.2010, imposing a punishment of stoppage of increment for a period of 1 year without cumulative effect. When the petitioner had challenged the order before the first respondent herein, the punishment was modified into one of stoppage of increment for a period of 6 months without cumulative effect, through the order dated 14.10.2011. The charges levelled against the petitioner were initiated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. While challenging the original order of punishment, the petitioner had raised several grounds. However, the first respondent had disposed of the appeal with a single line, stating that he agrees with the decision of the District Collector regarding the lapses in execution of works without any

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other findings or observations. Such an order is apparently a non-speaking order and impermissible in service jurisprudence. When certain grounds are raised in an appeal petition, there is a duty cast on the Appellate Authority to deal with all the grounds raised by the employee. As such, the order itself cannot be sustained.

4. In normal circumstances, this Court would have remitted the matter back to the first respondent for re-considering the appeal. However, it is now brought to the notice of this Court that the petitioner had already retired from his service. While that being so, remitting the matter back would cause prejudice to the petitioner.

5. In the light of the above observations, the impugned order passed by the first respondent dated 14.10.2011 is quashed and accordingly, the Writ Petition stands allowed. No costs.

29.09.2022

Index:Yes/No
Speaking order/Non-speaking order
hvk

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M.S.RAMESH,J.

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To

1.The Commissioner of Rural Development,
Panagal Building, Saidapet,
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2.The District Collector,
PD Section,
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