



W.P.No.2017 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2017 of 2012
and
W.M.P.No.22998 of 2022

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.55534/2010/DPC-2.2 dated 14.10.2011 of the 1st respondent confirming the order bearing ROC No.5604/2009/T.1 dated 28.01.2010 of the 2nd respondent 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 28.01.2010, imposing a punishment of stoppage of increment for a period of 1 year without cumulative effect. When the petitioner had challenged the said order before the first respondent herein, the punishment was confirmed, 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, without any other findings or observations. Such an order is apparently a non-speaking order and impermissible in service



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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. Consequently, connected miscellaneous petition is closed.

29.09.2022

Index:Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

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- 2.The District Collector,
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