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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6021 OF 2022

R.Sivabalan

... Petitioner

.Vs.

1. The Principal Secretary to
Government of Tamil Nadu,
Department of Finance,
Secretariat,
Chennai - 600 009.
2. The Additional Chief Secretary
to Government,
Finance (LF) Department,
Secretariat,
Chennai - 600 009.
3. The Director of Local Fund
Audit Department,
Integrated Office Complex for
Finance Department,
4th Floor, near Tod Hunter Nagar,
Veterinary Hospital Campus,
No.571, Anna Salai,
Nandhanam, Chennai - 600 035.
4. The Commissioner & Tribunal for
Disciplinary Proceedings,
Tribunal for Disciplinary Proceedings,
No.5/1B, Vinayaga Nagar,
Madurai - 20.

... Respondents

PRAYER:-

Writ petition filed under Section 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeals dated 26.10.2021 & 28.01.2022 on merit and in accordance with law within a stipulated time.



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For Petitioner : Mr.S.Satheeshkumar

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

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

2. The case of the petitioner in brief:

While the writ petitioner was serving as Inspector of Internal Audit at the office of the Assistant Director of Internal Audit, Sivaganai, a charge memo has been issued by the 4th respondent in his proceedings dated 18.11.2013 alleging that the petitioner had demanded and accepted a sum of Rs.60,000/- from Tmt.Tamilarasi, a newly appointed Office Assistant. Thereafter, a detailed enquiry was conducted and on receipt of the enquiry report, the petitioner has submitted his explanation to the 3rd respondent on 29.09.2016. Thereafter, the 3rd respondent by his proceedings in R.C No.9063/C2/2013 dated 23.01.2017 disagreed with the findings of the Commissioner for Disciplinary Proceedings and forwarded the same to the 2nd respondent. However, having received the same, the 2nd respondent by his proceedings dated 29.06.2017 disagreed with the findings of the 3rd respondent and called upon the petitioner to submit his explanation. The 2nd respondent has passed the proceedings dated 16.10.2018 imposing a punishment of "Stoppage of Increment for a period of 3 years with cumulative effect. Challenging the said punishment, the petitioner had filed a writ petition in W.P (MD) No.2742/2019 and the same was allowed by this Court on 28.02.2020, directing the 2nd respondent to consider the petitioner's representation afresh and pass appropriate orders. Thereafter, the 1st respondent has revised the final order in G.O.(D) No.288 Finance (LF) Department dated 31.12.2020 that "Stoppage of Increment for a period of 1 year with cumulative effect. Being aggrieved by the aforesaid impugned order, the petitioner made a representations to the 1st respondent on 26.10.2021 and 28.01.2022 to cancel the punishment. But, there is no progress in this regard. Hence the petitioner has filed the present writ petition.

3. Mr.S.Prabhakaran, learned Government Advocate appearing for the respondents would submit that if the representation is



pending with the 1st respondent and if it is in order, the same will be considered on merits and in accordance with law.

4. In view of the above submission and also considering the limited scope of the prayer, without expressing any opinion on merits, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 28.01.2022 and pass orders on merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to
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2. The Additional Chief Secretary
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4. The Commissioner & Tribunal for
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+1cc to Mr.S.Satheeshkumar, Advocate, S.R.No.18261

W.P.NO.6021 OF 2022

RR(CO)
PBS/08/04/2022