

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
W.P.No.15047 of 2022

D.Elumalai

... Petitioner

vs.

1.The Chief Engineer (Highways),
Guindy Highways office complex,
Guindy, Chennai - 25.

2.The Divisional Engineer (Highways),
O/o. The Divisional Engineer (H),
Near Oil Mill, Tiruvallur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the appeal memorandum dated 26.08.2021 on merits and as per Rules within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.S.Rajesh

Government Advocate

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the appeal memorandum dated 26.08.2021 on merits and as per rules within a time to be stipulated by this Court.

2. According to the petitioner, while he was working as Road Worker, the Sub-Divisional Engineer (H), Tiruthani by his Proceedings No.5/2008/B8, dated 16.11.2008 has framed 3 charges as against the petitioner alleging dereliction of duty. Thereafter, the 2nd respondent by his Proceedings in Se.Mu.Ka.No.32/2008/B8, dated 11.02.2009 has imposed a punishment of stoppage of increment for a period of one year with other impermissible punishments.

3. Aggrieved by the same, the petitioner has preferred an appeal dated 26.08.2021 before the 2nd respondent, who is

imposed the punishment as against the petitioner. The said appeal is still pending, no order has been passed. Hence, he filed the present writ petition before this Court for the aforesaid prayer.

4. The Chief Engineer, Highways Department, Chennai/the 1st respondent herein has given written instructions to the Government Pleader, High Court, Chennai, by stating that on verification of records, there is no such appeal papers is still pending with the 1st respondent. It is further stated that if any such appeal preferred by the petitioner, the same would be considered in accordance with rules.

5. Admittedly, according to the learned counsel appearing for the petitioner, the petitioner has preferred an appeal to the same authority, who was imposed the punishment. Therefore, he seeks liberty to prefer an appeal before the 1st respondent.

6. Considering the request made by the learned counsel appearing for the petitioner, this Court granted liberty to the petitioner to prefer an appeal before the 1st respondent. If such appeal has been preferred by the petitioner, the same would be considered by the 1st respondent and to pass appropriate orders in accordance with rules.

7. With the above liberty, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm

To

1.The Chief Engineer (Highways),
Guindy Highways office complex,
Guindy, Chennai - 25.

2.The Divisional Engineer (Highways),
O/o. The Divisional Engineer (H),
Near Oil Mill, Tiruvallur.

+1 cc to Mr.L.Chandrakumar, Advocate Sr.NO. 38173

+1 cc to Government Pleader Sr.NO. 38269

W.P.No.15047 of 2022

gj(CO)

A.SK(13/07/2022)