



WEB COPY



W.P. No.16945 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.16945 of 2022
and
W.M.P. No.16232 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.



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5. The Chief Internal Auditor &
Chief Auditor of Statutory Boards / Office
Chennai - 2.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records in pursuant to the punishment order issued to the petitioner by the 2nd respondent vide G.O. (D) No.288 Finance (LF) Department, dated 31.12.2020 and quash the same with a consequential direction to the respondents to provide all consequential and attendant benefits to the petitioner.

For petitioner	: Mr.T.P. Prabakaran
For respondents	: Mr.Stalin Abimanyu, Addl. Govt. Pleader

ORDER

The petitioner has challenged the impugned order dated 06.04.2022 passed by the 2nd respondent under which the review petition filed by the petitioner (Delinquent Officer) seeking to exonerate him from the charges framed against him was rejected on the ground that the said review petition was filed beyond the prescribed period of 60 days from the date of receipt of the Government Order viz., G.O. (D) No.288 Finance (LF) Department, dated 31.12.2020 by the petitioner.

2. Heard Mr.T.P. Prabakaran, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader for the respondents 1 to 5.



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3. Admittedly, the petitioner has preferred an appeal as against the impugned order dated 06.04.2022 before the 1st respondent on 26.10.2021 and the said appeal is still pending. Since the 2nd respondent has rejected the petitioner's review petition only on the ground that the said review petition has been filed beyond the prescribed period of 60 days, this Court is of the considered view that unless and until final orders are passed in the appeal filed by the petitioner aggrieved by the impugned order passed by the 2nd respondent, which is presently pending on the file of the 1st respondent, the question of entertaining this writ petition at this stage will not arise.

4. The learned counsel for the petitioner would now submit that the petitioner will be satisfied, if a direction is issued to the 1st respondent to pass final orders on merits and in accordance with law on the petitioner's appeal, dated 26.10.2021, within a time frame to be fixed by this Court.

5. The petitioner has been imposed with a punishment of one year increment cut with cumulative effect, which is the subject matter of challenge.



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6. The learned counsel for the petitioner would submit that the petitioner is retiring from service on 30.06.2023. The said statement is recorded.

7. For the foregoing reasons, this writ petition is disposed of by issuing the following directions :-

a) The petitioner is directed to submit his additional objections / explanation, if any, to the 1st respondent, within a period of one week from the date of receipt of a copy of this order.

b) On receipt of the additional objections / explanation from the petitioner, within the stipulated time, the 1st respondent shall pass final orders on merits and in accordance with law on the petitioner's appeal dated 26.10.2021, filed as against the impugned order, dated 06.04.2022 of the 2nd respondent, within a period of six weeks thereafter, after giving due consideration to the objections / explanation received from the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

Note : Issue order copy on 16.12.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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To

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Chennai - 2.



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ABDUL QUDDHOSE, J.

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