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W.P.No.21773 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21773 of 2014

Y.Amarnath

...Petitioner

..Vs..

1.Chennai Metropolitan Water Supply
and Sewerage Board,
Rep by its Principal Secretary /
Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2.The Vigilance Officer / General Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified mandamus, after calling for the
concerned records from the first and second respondent, quash the
order of the first respondent dated 02.07.2012 bearing proceedings
No.CMWSSB/P&A/VCA/25459/2012 and the order of the second
respondent dated 27.06.2008 bearing proceedings
No.CMWSSB/P&A/VC1/19777/2008 and consequently restore the one
increment and also pay the arrears of salary.

For Petitioner : Mr.Balan Haridas



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For Respondents : Mr.N.Ramesh

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ORDER

The order of punishment of stoppage of increment for one year without cumulative effect is under challenged in the present writ petition.

2. The petitioner was working as Assistant Executive Engineer in the Chennai Metropolitan Water Supply & Sewerage Board. A charge memo has been issued against him on 16.05.2008 and the allegation against the writ petitioner was that he has not processed the sewer connection application to the premises of No.1, 2 - E Road, Koyambedu, Chennai properly and failed to verify the challan for the payment of infrastructure development charges, while affixing his signature with seal for payment of connection charges, which made the applicant to pay an additional amount of Rs.37,940/- and made complaint against the Assistant Executive Engineer (Registration) to the Government.

3. The second charge against the writ petitioner was that the above act, with an ulterior motive delayed the registration of application and had caused the additional expenses to the applicant,



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due to revision of charges. Thus, the disciplinary proceedings was proceeded with the allegations of mis-conduct and dereliction of duty under Regulation 6(37) and 6(38) of Disciplinary & Appeal Regulations, 1978.

4. The petitioner submitted his explanation denying the charges, on 05.06.2008. The competent authority without considering the explanation, ordered for an enquiry and the Enquiry Officer arrived at a conclusion that the charges against the writ petitioner are held proved. Based on the proved charges, the punishment of stoppage of increment for one year without cumulative effect was imposed. The Disciplinary Authority passed the final order of punishment on 27.06.2008. However, the petitioner preferred an appeal before the first respondent after a lapse of four years i.e., on 01.06.2012 and the said appeal was rejected by the Appellate Authority i.e., first respondent on 02.07.2012 and the petitioner filed the present Writ petition in the year 2014. The petitioner reached an age of superannuation and was allowed to retire from service on 30.09.2016.

5. The Disciplinary Authority considered the documents and



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materials available on record and accepted the findings that due to the lapses on the part of the writ petitioner in processing sewer application, the applicant suffered additional charges of Rs.37,940/- as there was a delay in registering the application. In this view of the matter, the disciplinary authority arrived at a conclusion that the petitioner had committed dereliction of duty while dealing with the application submitted by the consumer for the lapses and dereliction of duty. The minor penalty of stoppage of increment for a period of one year without cumulative effect was awarded.

6. Though in the original order, the time for preferring an appeal was stipulated as 30 days, the petitioner preferred an appeal after four years i.e., on 01.06.2012 and the said appeal was also rejected by the appellate authority on 02.07.2012. There was an enormous delay in preferring an appeal and even after the appellate order was passed the petitioner took two years to file the present writ petition. Thereafter, he has retired from service.

7. The appellate authority also considered the nature of lapses



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proved against the petitioner. The lapses noticed against the writ petitioner was that he delayed the processing of the application submitted by the customer, which resulted in monetary loss to the said customer to the tune of Rs.39,940/-. This being the lapses and dereliction of duty committed by the petitioner and the minor penalty was imposed in the year 2008, this Court do not find any infirmity or perversity in the matter of considering the defense of the writ petitioner. The minor penalty imposed cannot be said to be disproportionate, with reference to the proved lapses and dereliction of duty.

8. Thus, the writ petition fails and stands dismissed. No costs.

28.06.2022

mrm/psa
Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order



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S.M.SUBRAMANIAM., J

mrm/psa

To

1.Principal Secretary / Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2.The Vigilance Officer / General Manager,
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