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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2022**

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8299 of 2017
and
W.M.P.(MD)No.6362 of 2017

R.Sathishkumar ... Petitioner

Vs.

The Commissioner,
Thiruchirappalli City Municipal Corporation,
Bharathidasan Salai,
Trichy – 01. ... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the respondent in his proceedings in vide Na.Ka.No. 2501/2015/C3(Center), dated 31.10.2017, confirming the punishment order in Na.Ka.No. 2501/2015/C3(Center), dated 27.03.2017 and quash the same.

(Prayer amended, vide Court Order, dated 22.09.2022 in WMP(MD). 17114/2017 in WP(MD). 8299/2017).

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For Petitioner : Mr.V.Sasi Kumar

For Respondent : Mr.R.Baskaran
Standing Counsel

ORDER

This Writ Petition is filed for Writ of Certiorari to quash the impugned order, dated 27.03.2017 and when the writ petition was pending, the respondents have passed another order, dated 31.10.2017. Hence, the petitioner has filed an amendment petition to amend prayer and it was allowed on 22.09.2022 in W.M.P.(MD)No.17114 of 2017.

2. The petitioner was appointed as Junior Assistant, then promoted as Assistant and then promoted as Superintendent. A charge memo was issued on 15.10.2015. The petitioner submitted his explanation on 12.11.2015. Thereafter, the respondents have passed an order of punishment imposing stoppage of increment for six months. Aggrieved over the said order, the petitioner has preferred an appeal.

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The contention of the petitioner is that the original order, dated 27.03.2017 was passed by the Special Officer, namely, Ravichandran. When the petitioner has preferred an appeal against the order, the same authority has passed an order sitting as Appellate Authority, vide order, dated 31.10.2017. The contention of the petitioner is that the Appellate Authority has no jurisdiction to pass this order, since the Nomination Committee is the proper Appellate Authority. Even as per the original order, it has directed the petitioner that in case the petitioner is aggrieved to file an appeal before the Nomination Committee within two weeks.

3. The original order was also passed by the same authority and it is legally not sustainable. Therefore, this Court is remitting back the case to the Nomination Committee, the Nomination Committee shall issue notice to the petitioner and grant personal hearing after granting sufficient opportunity to the petitioner to put forth his case. Thereafter, the Nomination Committee shall consider and pass orders within a period of four (4) months from the date of receipt of a copy of this order.

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4. The impugned order, dated 31.10.2017 is set aside and the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
jbr

To

The Commissioner,
Thiruchirappalli City Municipal Corporation,
Bharathidasan Salai,
Trichy – 01.

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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.8299 of 2017

18.11.2022

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