



W.P.No.20092 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20092 of 2013

G.Gnanavel

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Municipal Administrative and
Water Supply (WS3) Department,
Fort St.Goerge, Chennai-9
- 2.Tamilnadu Water Supply and
Drainage Board, rep. by its Managing Director,
No.31, Kamarajar Salai, Chepauk, Chennai-5
- 3.The Chairman and Managing Director,
Tamilnadu Water Supply and
Drainage Board, No.31, Kamarajar Salai,
Chepauk, Chennai-5

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the first respondent in his order in G.O.(D) No.263 Municipal Administration and Water Supply (WS3) Department dated 21.05.2013 quash the same and confirming the order of the second respondent in BP.Ms.No.123 (ESTT.(DP)WING) dated 05.12.2012 and the order of the third respondent in No.59026/Estt.(DP)/A5/2009 dated 13.01.2020 the



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same and direct the respondents to settle all withheld benefits to the petitioner.

For Petitioner : Mr.P.K.Shiva Kumar

For Respondents

For R1 : Mr.M.Muthusamy,
Government Advocate

For R2 : Ms.S.Shahila Banu

For R3 : No appearance

ORDER

This writ petition has been filed challenging the order of first respondent dated 21.05.2013 thereby confirmed the order passed by the second respondent dated 05.12.2012 thereby imposed punishment of stoppage of increment for two years without cumulative effect.

2. Heard, the learned counsel appearing on either side.

3. When the petitioner was working as Executive Engineer, he was transferred and posted to Project Implementation Unit Division I, Dharmapuri by order datd 10.09.2009. Even before the order of transfer,



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he was relieved from the earlier post on 20.08.2009. While he was waiting for posting, he met with an accident on 04.09.2009. Due to the said accident, his right hand was sprained and he was unable to attend duty as per the order of transfer since it was received by him only on 22.09.2009. Thereafter, he also applied for earned leave from 23.09.2009 for a period of 30 days. However, he did not recover from his illness and as such, he extended the period of leave from 23.10.2009 to 05.11.2009. Again, he was advised to take rest for a further period of 45 days from 06.11.2009 to 29.12.2009. Again from 30.12.2009 to 23.02.2010, he applied for leave along with medical certificate. Thereafter, he requested for transfer to Cuddalore or Vellore. Again he was suffering from hematemesis with blood vomiting. Therefore, he had undergone for scan on 07.12.2009 and 08.12.2009. His illness was identified as viral fever with hematemesis and advised to take rest. Due to his illness, he was not able to join duty. Therefore, the petitioner was served with charge memo dated 16.11.2009 consisting three charges. Though the petitioner submitted his explanation, enquiry was ordered and found all the three charges were proved against the petitioner. In pursuant to the report



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submitted by the enquiry officer, the third respondent imposed punishment of stoppage of increment for two years without cumulative effect by order dated 13.01.2010. It was also confirmed by the first respondent in the revision.

4. On perusal of counter filed by the second respondent and third respondent, revealed that the petitioner without obeying the order of transfer, he extended leave on medical ground. In fact, he also requested for transfer to two other places and as such, the petitioner without joining in the present place, he tried for transfer. Though he met with an accident and suffered illness, he did not even report for duty for one day from 10.09.2009 onwards. Even after receipt of charge memo, the petitioner did not join duty. He produced fitness certificate and joined duty only on 23.02.2010. Therefore, the respondents rightly imposed punishment of stoppage of increment for two years without cumulative effect and this Court finds no infirmity or illegality in the orders passed by the respondents.



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5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary to Government,
The Government of Tamilnadu,
Municipal Administrative and
Water Supply (WS3) Department,
Fort St.Goerge, Chennai-9
2. Managing Director,
Tamilnadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai, Chepauk, Chennai-5
3. The Chairman and Managing Director,
Tamilnadu Water Supply and
Drainage Board, No.31, Kamarajar Salai,
Chepauk, Chennai-5
4. The Public Prosecutor,
High Court, Madras.

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