



W.P.No.4707 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4707 of 2020

K.B.Varadharajan

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai 600 009.

2.The Commissioner & Special Officer,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

3.The Regional Deputy Commissioner
Office (Central),
No.36 B, Pullah Avenue,
Shenoy Nagar, Chennai 600 030.

4.The Zonal Officer,
Zone - 6,
Chennai Corporation,
No.5, Anderson Salai,
Ayanavaram, Chennai 600 023.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records



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of the third respondent in proceedings
No.ம.வ.அ.ந.க.எண்.அ5/4443/2015 dated 09.06.2015 as
confirmed by the proceedings of the second respondent dated 08.07.2016
bearing பொ.து.ந.க.எண்.இ9/19979/2016 and G.O.Ms.No.255,
Municipal Administration and Water Supply Department dated
28.06.2019 further confirming the order of dismissal from service passed
against the petitioner and quash the same and direct the respondents to
reinstate the petitioner in service with all attendant benefits.

For Petitioner : Ms.T.Hemalatha

For Respondents : Mr.Mani Bharathi, Standing Counsel for R2 &R3
Mr.T.Arun Kumar, AGP for R1

ORDER

This Writ Petition has been filed seeking issuance of a Writ of
Mandamus, to call for the records of the third respondent in proceedings
No.ம.வ.அ.ந.க.எண்.அ5/4443/2015 dated 09.06.2015 as
confirmed by the proceedings of the second respondent dated 08.07.2016
bearing பொ.து.ந.க.எண்.இ9/19979/2016 and G.O.Ms.No.255,
Municipal Administration and Water Supply Department dated
28.06.2019 further confirming the order of dismissal from service passed



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against the petitioner and quash the same and direct the respondents to reinstate the petitioner in service with all attendant benefits.

2. Heard Ms.T.Hemalatha, learned counsel for the petitioner, Mr.T.Arun Kumar, learned Additional Government Pleader for R1 and Mr.Mani Bharathi, learned Standing Counsel for R2 &R3.

3. The petitioner was working as Driver in the fourth respondent Corporation. On 24.12.2013, the petitioner was issued with a charge memo and an enquiry was conducted subsequently. In the said enquiry, the petitioner was found guilty and he was given with the punishment of dismissal from service.

4. The learned counsel for the petitioner submitted that the petitioner was given with a charge memo on 01.07.2014, despite he was given with the charge memo for the same set of allegations on 03.04.2012. It is further submitted that the Appellate Authority did not apply his mind while confirming the punishment imposed by the



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disciplinary authority. The earlier Enquiry Officer found that the accused is not found guilty of any of the charge found in the charge memo. It is further submitted that the impugned order of dismissal is not properly considered and the Appellate Authority also did not apply his mind.

5. The learned Standing Counsel for R2 & R3 submitted that the petitioner has been given with different charges and it cannot be considered that the second charge memo was given to the petitioner for the similar transaction involved in the first charge memo. Before imposing the punishment, opportunity was given to the petitioner and the petitioner has also given his submission. Since the charges against the petitioner was serious, he was given with capital punishment.

6. The petitioner has filed an appeal with no specific grounds except by stating that the charges were false and he was imposed with disproportionate punishment. Only because the petitioner has raised any new grounds, he can claim that he is affected due to the non-speaking order of the Appellate Authority. In the matter of punishment, the scope of this Court for interference is very limited. Since the petitioner did not



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make out any grounds, he is not entitled to get any relief as prayed. The petitioner is at liberty to file a mercy petition and it is upto the Government to pass appropriate orders in accordance with law within a period of six weeks.

7. With the above observations, this Writ Petition is disposed and the petitioner is at liberty to file a mercy petition and it is upto the Government to pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

28.11.2023

Index : Yes
Internet : Yes/No
gsk



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R.N.MANJULA, J.

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To

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