



WEB COPY

W.P.No.5999 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5999 of 2021

R.Kootheswaran,
S/o.Rajagopal,
Section Officer,
Finance Department,
Now working in Planning Development
and Special Initiative Department
Secretariat,
Chennai - 600 009.

...

Petitioner

versus

- 1.The Joint Secretary to Government (Personnel)
Secretariat, Chepauk,
Chennai - 600 009.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Chepauk,
Chennai - 600 009.
- 3.The Principal Secretary to Government,
Finance (OP-I,) Department
Secretariat,
Chepauk, Chennai - 600009.



4.Dr.R.Ananda Kumar I.A.S.,
Special Secretary to Government / Enquiry Officer
Fin. Department,
Secretariat, Chepauk,
Chennai - 600 009.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 22.04.2020 in G.O.(Ms).No.230 and appeal order dated 05.12.2020 in G.O.(Ms).No.443 and quash the same, both on the file of the 2nd respondent, consequently direct the 2nd respondent to give all attendant monetary benefits.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 22.04.2020 in G.O.(Ms).No.230 and an appeal order dated 05.12.2020 in G.O.(Ms).No.443 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to give all attendant and monetary benefits.

2. Heard Mr.B.Manimaran, learned counsel for the petitioner, Mr.T.Arunkumar, learned Additional Government Pleader for the respondents and perused the materials available on record.



3. The one and only contention raised by Mr.B.Manimaran, learned counsel for the petitioner is that the competent authority, who had passed the order of punishment has dealt with the appeal filed by the petitioner. Whenever the punishment order is passed by a competent authority, the petitioner's appeal should be decided by the appellate authority. In the case in hand, the competent authority / Additional Chief Secretary / second respondent who had passed the punishment order has dealt the appeal also.

4. Since the impugned order has been passed by one and the same authority, I feel it is appropriate to remand the matter to the second respondent in order to consider and dispose the appeal on its own merits. In the event of same person holding the same post, the Government should be addressed to appoint a new officer for deciding the appeal.

5. With the above observation, this Writ Petition is **disposed**. No costs.

29.11.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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- 1.The Joint Secretary to Government (Personnel)
Secretariat, Chepauk,
Chennai - 600 009.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Chepauk,
Chennai - 600 009.
- 3.The Principal Secretary to Government,
Finance (OP-I,) Department
Secretariat, Chepauk,
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- 4.Dr.R.Ananda Kumar I.A.S.,
Special Secretary to Government / Enquiry Officer
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R.N.MANJULA, J.

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