



W.P.No.22278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.22278 of 2022

and

W.M.P.Nos.21313 to 21315 of 2022

V.Krishnamoorthy

..... Petitioner

-Versus-

1.The Chief Engineer,
Highways Department HRS Campus,
No.76, Sardhar Patel Road,
Little Mount, Guindy,
Chennai 600 025.

2.The Divisional Engineer,
Highways Department (C & M),
Dharmapuri.

3.The Assistant Engineer,
Highways Department (C & M),
Paparedddy Patti.

..... Respondents

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 passed by the 2nd respondent imposing punishment of stoppage of increment for 5 years without cumulative effect by order dated 27.09.2021 in his proceedings Se.Mu.Ka.En:32(2)/2021/A6 as being illegal and contrary to Rule 37 of the Tamil Nadu Civil Services (Discipline and



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Appeal) Rules and to quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 27.06.2022 in those terms and issue consequential order granting all service benefits to the petitioner.

For Petitioner : *Mr.V.R.Kamalanathan*
for Mr.C.C.Chellappan

For Respondent (s) : *Mr.M.Alagu Goutham,*
Government Advocate
for RR1 to 3

ORDER

Challenging the order dated 01.10.2021 passed by the 2nd respondent imposing punishment for stoppage of increment for 5 years and for other reliefs, the petitioners has come forward with the present writ petition.

2. During the course of arguments, it was stated by the learned counsel for the petitioner that as against the order of punishment, the petitioner has already preferred an appeal to the 1st respondent herein. A copy of such appeal petition is found in page 34 of the typed set of papers.

3. Since the petitioner has already availed the remedy of appeal and the appeal petition is pending before the 1st respondent, who is the appellate authority, it would be appropriate to direct the 1st respondent to dispose of the appeal without looking at the nomenclature of the petition of the petitioner dated 27.06.2022.



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4. In the result, the 1st respondent / appellate authority is directed to consider the petition/ appeal petition of the petitioner dated 27.06.2022 on its own merits and in accordance with law and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected WMPs are closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

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N.SATHISH KUMAR.J.,
kmk

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