



WEB COPY



W.P.No.31438 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.31438 of 2017

and

W.M.P. Nos.34545 and 34546 of 2017

G.Nagarajan

.. Petitioner

VS

1.The Secretary to the Government,
Housing and Urban Development,
Fort St. George, Chennai.

2.The Director,
Town and Country Planning,
Anna Salai, Chennai – 2.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned Government Order made in G.O.(2D) No.26 dated 02.02.2016 along with and the letter No.1660/UD2(1) 2017-8 dated 07.08.2017 issued by the 1st respondent and proceedings in ROC No.23804/2010/CCDD(A)(2) issued by the 2nd respondent dated 13.09.2011 and quash the same as illegal and direct the 2nd respondent to disburse all the consequential and monetary benefits including promotion with effect from 23.09.2010.

For Petitioner : No appearance

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader



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ORDER

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Writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to the Government Order (2D) No.26 dated 02.02.2016 and letter No.1660/UD2(1) 2017-8 dated 07.08.2017 issued by the first respondent and the proceedings dated 30.09.2011 issued by the second respondent.

2. When the matter had come up for consideration on 10.08.2023, the learned counsel for the petitioner was not present. However, it had been noted as follows:-

"There is no representation for the petitioner.

2. Learned Additional Government Pleader pointed out the facts stated in the counter affidavit wherein, for three different charges, the petitioner had been inflicted with three separate punishments. The first one for stoppage of increment for one year without cumulative effect; the 2nd one for cut of in increment for two years without cumulative effect and the 3rd one for censure. It is contended that the appeals filed by the petitioner herein with respect to all the three punishments have been rejected by the Government. It is therefore contended that it is only on those grounds, there has been denial of grant of promotion.

3. Learned Additional Government Pleader may get the status as to the petitioner as on date since there is no representation.

4. List once again 29.08.2023."



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3. It is now contended by the learned Special Government Pleader that in W.P.No.31912 of 2014, filed by the petitioner herein, by order dated 22.07.2022, a learned Single Judge of this Court had also upheld the punishment and also the appellate order confirming the order passed by the disciplinary authority so far as the punishment of stoppage of increment for a period of one year without cumulative effect is concerned. The punishment had been imposed after following due procedure. That procedure had been confirmed by this Court. Necessarily petitioner herein will have to suffer the consequences.

4. It is also seen that one of the punishment is only for censure and thereafter vide G.O(2D) No.49, Housing and Urban Development [UD2(1)] Department dated 13.04.2022, subject to the outcome of the three other writ petitions, the petitioner had also been promoted to the post of Deputy Director in Town and Country Planning Department for the year 2017 – 2018.

5. The relief sought in the writ petition cannot be granted as the petitioner has a chronic habit of suffering punishments one of which had also been confirmed by this Court and in the other, so far



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as censure is concerned, the respondents themselves had promoted the petitioner after the statutory period had lapsed.

6. Writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

29.08.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Secretary to the Government,
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Fort St. George, Chennai.
- 2.The Director,
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C.V.KARTHIKEYAN,J.

ssm

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