



WEB COPY



W.P.No. 5833 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5833 of 2024

V.Koorathalvar

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Petitioner

Vs

1. The Secretary to Government,
Health and Family Welfare Department,
Fort.St.George,
Chennai – 600 009.

2. The Director of Public Health and
Preventive Medicine,
DMS Campus, Teynampet,
Anna Salai, Chennai – 600 006.

3. The Commissioner of Municipal Administration,
“Nagar Nivagam” Campus,
75, Santhome High Road,
MRC Nagar, Chennai – 600 028.

4. The Commissioner,
Tiruchirapalli Municipal Corporation,
Tiruchirapalli – 620 002.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to dispose



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of the Statutory Appeal dated 16.10.1998 which was forwarded to the Government on 10.11.1998 in Roc.No.C1/26379/96, dated 24.01.2001 and based on the representation of the petitioner dated 19.04.2023 within a date fixed by this Court and thereby set aside the punishment of stoppage of increment of five years with cumulative effect.

For Petitioners : Mr.A.R.Nixon
For R1 & R2 : Mr.Brindan
Additional Government Pleader
For R3 & R4 : Mrs.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondent to dispose of the statutory appeal dated 16.10.1998, which was forwarded to the Government on 10.11.1998.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Health Assistant/Sanitary Inspector/Sanitary Officer on 11.01.1985. The fourth respondent passed a resolution dated 22.11.1996 to purchase uniform to the sanitary workers as per the Government order in G.O.Ms.No.1262/RD&LA Department, dated



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19.08.1982 from the Co-optex Department Sales Centre. The allegation is that as per the Government order, uniform was not purchased from co-optex and it was not worth of the cost paid. In this regard, the fourth respondent filed a complaint before the Inspector of Police, District Crime Branch, Tiruchirapalli, alleging that the cash advance of Rs.6,00,000/- was given to Health Officer, Tiruchirapalli Corporation, so as to avail the rebate, contravening the order of the Managing Director, Co-optex in the Circular dated 27.06.1996, which states that “no government rebate should be allowed for the sale of contract items or normal items to any of the Government Department, Public Sector undertaking etc.”

4. Subsequently, the complaint culminated into trial in C.C.No.588 of 1997 on the file of the Judicial Magistrate No.II, Tiruchirapalli, for the offences under Sections 409, 477A, 467 read with 465, 471 read with 109 of IPC. In the said charges, final report has been filed. Pursuant to the registration of the FIR in Crime No.588 of 1997 on the file of the Inspector of Police, District Crime Branch, Tiruchirapalli, the petitioner was placed under suspension by the proceedings dated



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30.12.1996. After final report, the petitioner was added as witness.

Therefore, the petitioner was reinstated into service.

5. Though the petitioner was not arrayed as an accused in criminal case, the petitioner was issued with a charge memo and disciplinary proceedings was initiated. In the said proceedings, by orders dated 24.08.1998 and 29.11.1999, the petitioner was imposed with a punishment of withholding his five years increment with cumulative effect. Subsequently, the petitioner retired from service on attainment of the age of superannuation on 21.05.2018. Now, the petitioner submitted a representation stating that already the petitioner preferred an appeal before the Appellate Authority as against the order of punishment as early as on 16.10.1998. Therefore, he has filed this writ petition for direction directing the Appellate Authority to pass orders on the appeal.

6. The punishment order itself was passed by the proceedings in Na.Ka.No.36379/96/H2, dated 24.08.1998 and Na.Ka.No.36379/96/H2/C1, dated 29.11.1999. Therefore, there is absolutely not possible for the



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petitioner to prefer an appeal on 16.10.1998 itself. That apart, the petitioner retired from service as early as on 21.05.2018. After a period of 25 years, the petitioner sought for a direction to the Appellate Authority to dispose of the appeal preferred as against the order of punishment. Therefore, the direction sought for in this writ petition cannot be granted as the punishment was already implemented as against the petitioner.

7. In view of the above, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed.

No costs.

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Index: Yes/No
Speaking Order: Yes
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To
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