



W.P.No.39894 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.39894 of 2015
and M.P.No.1 of 2015

A.Sundararajan

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by its Secretary to the Government,
Tamil Development and Hindu Religious
Endowment Department,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Hindu Religious Charitable Endowment and Administration,
Nungambakkam,
Chennai – 600 034.
- 3.The Joint Commissioner,
Hindu Religious Charitable Endowment and Administration,
Kottai Mariamman Kovil Campus,
Salem – 636 001.
- 4.The Assistant Commissioner,
Hindu Religious Charitable Endowment and Administration,
Senguthar Kalyana Mahal Campus,
Ponnagaram Road,
Dharmapuri – 636 701.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent dated 17.02.2015 in his Se.Mu.Na.Ka.No.67297/2012/L4 and the order dated 21.06.2015 in his Se.Mu.Na.Ka.No.67297/2012/L4 and quash the same and to direct the 1st respondent to pass orders on the representations of the petitioner 11.05.2015, 20.05.2015, 25.05.2015 and 28.05.2015, with the request to modify the punishment and pay all benefits and regularize the period 19.12.2012 to 17.02.2015.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.S.Ravichandran for HR & CE
Additional Government Pleader

ORDER

The petitioner herein while working as Executive Officer Grade-4 was subjected to disciplinary proceedings by the second respondent resulting in passing an order in Proceedings Se.Mu.Na.Ka.No.67297/2012/L4, dated 17.02.2015 imposing the punishment of stoppage of increment with cumulative effect for two years and the said punishment was implemented by

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the second respondent vide Proceedings Se.Mu.Na.Ka.No.67297/2012/L4 dated 21.06.2015.

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2. Aggrieved by the said punishment, the petitioner claims to have filed an appeal by submitting representations dated 11.05.2015, 20.05.2015, 25.05.2015, 28.05.2015, 29.06.2015, 16.07.2015, 14.09.2015, 16.10.2015 and 06.11.2015 before the first respondent. However, the said representations were not considered by the first respondent and therefore, the petitioner approached this Court by filing the present writ petition questioning the orders passed by the second respondent dated 17.02.2015 and 21.06.2015 and also seeking a consequential directions to the first respondent to consider the representations submitted by the petitioner.

3. In response to the notice issued to the second respondent, the second respondent has filed a counter affidavit contending that the first respondent is the Appellate Authority against the impugned orders passed by the second respondent but the representations submitted by the petitioner before the first respondent cannot be considered as appeals. The relevant paragraph of the counter affidavit reads as under:

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“5.It is submitted that in the impugned order it was clearly mentioned that, if the writ petitioner aggrieved by the order of the Commissioner he may file appeal before the 1st respondent herein within 60 days. But instead of filing any statutory appeal he used to send representation to modify the punishment and to regularize the suspension period as duty. As averred by the writ petitioner, the representation cannot be treated as appeal petition.”

4.This Court has carefully considered the contentions raised by the respondents.

5.The petitioner is not seeking adjudication on merits of the case before this Court and instead seeking a consequential relief only to direct the first respondent to consider the representations submitted by the petitioner. The remedy of appeal that is provided against the orders passed by the second respondent before the first respondent is an internal appeal and there is no prescribed proforma for filing an appeal nor there can be any fees that are



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required to be paid for filing an appeal. In the absence of any prescribed proforma for availing the remedy of appeal provided against the Departmental Proceedings, the contention of the respondents that the representations submitted by the petitioner against the impugned proceedings before the first respondent cannot be treated as appeal does not merit consideration.

6.In the circumstances, the writ petition is disposed of by directing the first respondent to consider the representations referred to above said to have been submitted by the petitioner against the impugned orders passed by the second respondent treating the same as an appeal filed by the petitioner against the impugned orders and pass appropriate orders thereon in accordance with law by duly affording an opportunity of personal hearing to the petitioner within a period of three months from the date of receipt of a copy of this order.

7.The petitioner is also granted liberty to submit a consolidated appeal in addition to the representations within a period of four weeks from the date



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of receipt of a copy of this order. No costs. Consequently, connected
miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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To

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MUMMINENI SUDHEER KUMAR, J.

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