



WEB COPY



W.P.No.374 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.374 of 2016

and

W.M.P.No.258 of 2016

V.S.Subramaniam

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Rural Development Department,
Fort St.George,
Chennai – 600 009.

2.The Director of Rural Development,
Chennai – 600 015.

3.The District Collector,
Salem,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records of the 3rd respondent in Na.Ka.No.3992/2004/Ni3 dated 23.03.2005, Na.Ka.No.9293/2014/Ni3 dated 19.03.2015, and Na.Ka.No.9293/2014/Ni3 dated 08.10.2015 and quash the same.



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For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

By this writ petition filed in the year 2016, the petitioner seeks to challenge his punishment order issued on 23.03.2005.

2. The petitioner's contention is that he was working as a Junior Assistant in the Edapadi Panchayat Union. On 24.11.2000, he was suspended by the proceedings of the third respondent alleging certain irregularities. He was issued with a Charge Memo under Rule 17(b) of the TNCS (D&A) Rules on the verge of his retirement on 30.11.2000 and thereafter he was not allowed to retire from service by invoking the Rule 56(1)(c) of the Fundamental Rules. The Enquiry Officer conducted an enquiry and submitted a report dated 28.03.2002 holding the petitioner's guilty of all the six charges. The petitioner was informed about the enquiry report and he had given further explanation on 08.10.2003. The first respondent considered the further explanation and returned the original records along with the conclusion of the Government and directed the third



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respondent to pass final orders on the disciplinary proceedings pending against the petitioner vide his letter dated 17.11.2004. Thereafter, the third respondent passed the final order and by imposing a fine of Rs.1000/-. The petitioner had remitted the fine of Rs.1,000/- and thereafter he was permitted to retire from service with effect from 30.11.2000 by the proceedings of the third respondent dated 18.04.2005. Now, the petitioner had not received his retiral benefits on account of pendency of the disciplinary proceedings.

3. The learned counsel for the petitioner would submit that thereafter under the RTI Act, he came to learn that the Government had advised to drop all the charges against him and therefore he sought to review the earlier punishment. He had also sent representations dated 07.03.2014 and 24.03.2014. Since there was no response, he had filed a writ petition in W.P.No.19037 of 2015 and this Court was pleased to direct the third respondent to dispose of the representation within a period of four weeks from the date of receipt of a copy of the order. Thereafter, the third respondent had rejected the petitioner's claim.



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4. The learned counsel for the third respondent had filed a counter *inter alia* contending that the petitioner has come to this Court belatedly. He would submit that all the six charges had been proved against the petitioner. The petitioner's allegation is that he was not permitted to retire from service on 30.11.2000 on the ground that the disciplinary proceedings initiated by the third respondent was denied.

5. The learned Additional Government Pleader for the respondents would further submit that the petitioner has suppressed another Charge Memo dated 17.05.1984. He would submit that the proceedings in respect of which action has been dropped this earlier Charge dated 17.05.1993. However, the imposition of punishment of fine was in respect of a later Charge.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

7. As stated supra, the petitioner has come to this Court nearly 16 years after the punishment has been imposed and on a wrong statement that the



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charges in respect of this punishment has been dropped. However, from the perusal of the records submitted by the respondents, it is clear that the dropping of charges was with reference to an earlier Charge Memo dated 17.05.1984. Therefore, the petitioner who was slept over on his rights for 16 years cannot seek relief from this Court. That apart, there is absolutely no reason set out as to why the petitioner had taken this long to approach Court to have his grievance redressed.

8. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

03.07.2024

Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No

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