



W.P. No.18559 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.18559 of 2020
and
W.M.P.No.23197 of 2022

V.Thillaigovindan

... Petitioner

Vs.

- 1.The Managing Director
Tamil Nadu Water Supply & Drainage Board
No.31, Kamaraj Salai, Chepauk
Chennai 60 005.
- 2.The Chief Engineer
Tamil Nadu Water Supply & Drainage Board
Vellore-6.
- 3.Thiru.Swaransingh, I.A.S.,
Managing Director
The Tamil Nadu Water Supply and Drainage Board
31, Kanarajar Salai, Chepauk
Chennai 600 005.
- 4.State of Tamil Nadu rep. by its
Secretary to Government,
Municipal Administration & Water Supply,
Fort St.George,
Chennai – 600 009.
- 5.The Chairman-cum-Managing Direcotor,

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The Tamil Nadu Water Supply & Drainage Board
No.31, Kamaraj Salai, Chepauk
Chennai 60 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, declaring that the enquiry proceeding in Letter No.இ3/5916/2019/தபொ./வே./ நாள் 19-12-2019 conducted by the Chief Engineer, TWAD, Board, Vellore – 6, the 2nd respondent herein on 23-12-2019 as null and void and nonest in the eye of law and the same is against the order passed by this Hon'ble Court in W.P.No.164/2010 dated 16-09-2019 and consequently direct the respondents to treat the period of suspension as duty and to give notional promotion to the petitioner and pay all attended benefits to the petitioner.

For Petitioner	:	Mr.A.R.Nixon
For R1 & R2	:	Mr.S.Ravindran Senior Counsel for Ms.S.Mekhala
For R4	:	Mr.M.Murali, Government Advocate

ORDER

The petitioner herein while working as Superintendent in the office of the Executive Engineer, Urban Division, Tamil Nadu Water Supply Drainage Board, Villupuram, was subjected to disciplinary proceedings by issuing a charge memo dated 31.07.2007 by the 1st respondent. The said disciplinary proceedings culminated into a final order dated 12.02.2008 imposing punishment of stoppage of one increment for a period of six months without cumulative effect.



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Aggrieved by the said order of punishment passed by the 1st respondent, the petitioner approached this Court on earlier occasion by filing writ petition in W.P.No.164 of 2010. The said writ petition was allowed by this Court by an order dated 16.09.2019 on the ground that the 1st respondent being an Appellate authority ought not to have passed the impugned order therein and it is for the disciplinary authority who has to deal with the matter at the first instance and accordingly the matter was remanded back to the disciplinary authority, directing the 2nd respondent to conclude the proceedings within a period of six weeks from the date of receipt of a copy of the said order.

2. Admittedly no such proceedings were initiated within the time stipulated by this Court. However, belatedly certain proceedings were initiated and a report of the enquiry officer is shown to have been submitted on 22.09.2020 holding that the charges that were framed against the petitioner were proved. However, there is nothing on record to show that the said proceedings are concluded as on date by passing a final order by the disciplinary authority. Further, it is also noticed that the procedure that is followed by the disciplinary authority as well as the enquiry officer is also not in terms of the settled procedure that is required to be followed in the matter of conducting the



disciplinary proceedings.

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3. Taking into consideration the lapse of time and the quantum of punishment that was imposed on the petitioner on earlier occasion i.e., stoppage of one increment without cumulative effect for a period of six months which is trivial in nature and also taking into consideration the lapse of time and the fact that the petitioner has already retired from service on attaining the age of superannuation as early as in the year 2009 and the petitioner is aged about 74 years as of now, this Court is of the considered view that it will be inappropriate to allow the respondents to continue the disciplinary proceedings any further as six weeks time stipulated by this Court by an order dated 16.09.2019 in W.P.No.164 of 2010 has already lapsed long back and the said proceedings are not concluded by the respondents as on date. From the above, it is also noticed that the respondents are also not serious in concluding the disciplinary proceedings against the petitioner.

4. Therefore, this Court is of the considered view that this matter should be put quietus at this stage instead of allowing the respondents to proceed further against the petitioner. Accordingly, subject disciplinary proceedings that



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are pending against the petitioner as on date shall stand closed.

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5. Accordingly, the writ petition is allowed and the connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

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3.The Secretary to Government,
State of Tamil Nadu
Municipal Administration & Water Supply,
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MUMMINENI SUDHEER KUMAR,J.



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