



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22784 of 2024

C.Udhayasuriyan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director,
The Tribal Welfare Department,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the Appeal petition filed by the Petitioner dated 20.12.2018 against the order passed by the 2nd respondent in Na.Ka.No.PM.A2/7241/18 dated 19.11.2018 based on merits and on records.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader



ORDER

WEB COPY This writ petition has been filed for issue of writ of mandamus directing the 1st respondent to pass orders on the appeal petition that has been filed by the petitioner on 20.12.2018 against the order passed by the 2nd respondent within the time frame fixed by this Court.

2.Heard Mr.S.Nedunchezhiyan, learned counsel appearing on behalf of the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of respondents.

3.The case of the petitioner is that he was working as a Headmaster in a Government Tribal Residential Middle School at Vazhavanthi. Certain charges were contemplated against the petitioner and based on the same, the petitioner was suspended from service by an order dated 03.11.2016 by the 2nd respondent. A charge memo dated 30.11.2016 was also issued to the petitioner with five charges against him. The petitioner submitted his explanation. An Enquiry Officer was also appointed and enquiry report was also submitted. The 2nd respondent through proceedings dated 19.11.2018 found that except the 3rd charge, all the other charges



stands proved and therefore, proceeded to impose punishment of stoppage of increment for one year with cumulative effect. The 2nd respondent also directed recovery of the amount of Rs.72,480/- towards the loss that was caused to the Government by the petitioner.

4.The petitioner aggrieved by the order passed by the 2nd respondent filed an appeal before the 1st respondent through proper channel on 20.12.2018. The grievance of the petitioner is that the appeal petition has not been considered and disposed of by the 1st respondent and therefore, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to deal with the appeal petition filed by the petitioner on 20.12.2018 on its own merits and in accordance with law and pass final orders, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.



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N. ANAND VENKATESH, J.

SSR

6.This writ petition is disposed of with the above directions. No Costs.

12.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director,
The Tribal Welfare Department,
Chennai – 600 006.

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