



W.P.No.3969 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.3969 of 2017

and

WMP.Nos.4052 & 4053 of 2017

A.Sekaran

...Petitioner

Vs.

1.State of Tamilnadu Rep. by,
The Secretary to Government,
Municipal Administration &
Water Supply (T.P.1) Department,
Secretariat, Chennai-600 009.

2. The Director of Town Panchayats,
Kuralagam,
Chennai-600 108.

3.The Assistant Director of Town Panchayats,/
Enquiry Officer,
Vellore Zone, Vellore.

4.The Executive Officer,
Pallikonda Selection Grade Town Panchayat,
Vellore District, Vellore.

...Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the order passed by him in Proc.Na.Ka.No.719/2010/A4 dated 23.02.2011 and quash the same and direct the respondents to regularize the period of Reversion from 23.02.2011 to 31.07.2011 with all monetary and service benefits.

For Petitioner : M/s.M.Srividhya

For Respondents : Mrs.S.Anitha,

Special Government Pleader

ORDER

Writ Petition is filed to call for the records on the file of the 2nd respondent in connection with the order dated 23.02.2011 and for the direction to the respondents to regularize the period of Reversion from 23.02.2011 to 31.07.2011 with all monetary and service benefits.

2. The petitioner was appointed as Junior Assistant by direct recruitment on merits and joined service on 07.06.1984. After promotions the petitioner retired as



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Selection Grade Executive Officer on 29.08.2003. On 26.11.2009, a charge memo was issued to the petitioner levelling certain charges. The petitioner gave explanation to the charge memo on 04.01.2010. The 3rd respondent was appointed as enquiry officer, on enquiry, the 3rd respondent found that the charges were proved. The petitioner gave his explanation to the enquiry officers report on 05.03.2010 and thereafter on 23.02.2011, the 2nd respondent passed the impugned order imposing punishment of Reversion to the next lower post of Grade I Executive Officer from the post of Selection Grade Executive Officer from the date of order till 31.07.2011. Aggrieved by the aforesaid punishment the petitioner filed the present writ petition.

3. The respondents filed counter and at para 6 and 7 it is stated as follows:

“6. It is submitted that challenging the above said punishment, the Petitioner had preferred Appeal dated 06.04.2011 to the 1st Respondent. Pending consideration of the Appeal, the Petitioner had attained superannuation on 31.07.2011, and had filed this Writ Petition on 13.02.2017. The 1st Respondent, after consulting the



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Tamil Nadu Public Service Commission, in consonance with the Tamil Nadu Business Rules, 1978, and upon independent application of mind, had set-aside the punishment of Reversion, under Rule 23(1)(c)(ii) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, holding that the same lacked legal backing, in as much as, eventhough the period of Reversion was for 158 days only, the punishment affected his pension indefinitely, i.e. the punishment order had not mentioned about the post to be taken into consideration after the Petitioner's retirement and his pay thereof, and remitted the case back to the 2nd Respondent, since the Petitioner had attained superannuation already.

7. It is submitted that the 2nd Respondent, in compliance of the aforesaid direction of the 1st Respondent, proposed to impose the punishment of cut-in-pension of Rs.1,000/- form the Monthly Pension of the Petitioner for one year. The explanation on the proposed punishment was sought for from the Petitioner vide Na.Ka.No.12846/2018/F3, dated 24.01.2024. The Petitioner vide Letter dated 27.01.2024 had consented for the said punishment. Consequently, the 2nd Respondent, vide Na.Ka.No.12846/2018/F3, dated 31.01.2024, has passed final order to deduct Rs.1,000/- from the Petitioner's pension for 12 months. The Petitioner has



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acknowledged said order on 06.02.2024. In view of the subsequent developments and since the relief sought for by the Petitioner has been granted by the 1st & 2nd Respondents, this Writ Petition has become infructuous.”

4. From the above, it is clear that the petitioner received terminal benefits and also has consented to the punishment imposed by the respondent of cut-in-pension of Rs.1,000/- from the Monthly Pension from the petitioner for one year.

In view of the said developments, the writ petition has become infructuous and the same is also dismissed as infructuous. No costs. Consequently connected WMP's are closed.

07.08.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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WEB COPY

To

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Municipal Administration &
Water Supply (T.P.1) Department,
Secretariat, Chennai-600 009.

2. The Director of Town Panchayats,
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N.MALA,J.

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