



W.P.(MD)No.15987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15987 of 2024

and

W.M.P.(MD).Nos.13898 & 13900 of 2024

M.Muthu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration
and Water Supply (Me.4) Department,
Secretariat, Chennai 600 009.

2.The Additional Chief Secretary to Government,
Municipal Administration
and Water Supply (Me.4) Department,
Secretariat, Chennai 600 009.

3.The Director of Municipal Administration,
Raja Annamalaipuram,
Chennai 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders of Punishment passed by the first respondent vide G.O. (D).No. 244, Municipal Administration and Water Supply (ME.4) Department, dated 07.05.2024 in confirming the order of the second respondent vide G.O. (D).No. 65, Municipal Administration and Water Supply (ME.4) Department,



W.P.(MD)No.15987 of 2024

dated 20.02.2023 and quash the same and consequently directing the respondents to disburse all service and monetary benefits including promotion to the petitioner.

For Petitioner : Mr.J.Parekh Kumar

For R-1 to R-3 : Mr.J.Ashok,
Additional Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.J.Parekh Kumar, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondent Nos.1 to 3.

3. The petitioner has filed this Writ Petition challenging the order passed by the first respondent in the Review Petition, dated 07.05.2024 vide the Government Order in G.O.(D).No.244, Municipal Administration and Water Supply (ME.4) Department, confirming the order of punishment passed by the second respondent vide the Government Order in G.O.(D).No.65, Municipal Administration and Water Supply (ME.4) Department, dated 20.02.2023 and consequently to direct the respondents to disburse all service and monetary benefits including promotion to the petitioner.



W.P.(MD)No.15987 of 2024

4. Mr.J.Parekh Kumar, learned counsel appearing for the petitioner submitted that the estimate for fixing of welcome board and thanks board at the entries and exists of boundaries of the Municipal jurisdiction was prepared by one R.Pandiyaraj, who is the Junior Engineer was also punished and later challenged the order of punishment by way of preferring a Writ Petition in W.P. (MD).No.5516 of 2023 before this Court. He further submitted that the Review Authority has not properly considered the submission made by the petitioner.

5. Since the Writ Petition was allowed, the first respondent had passed an order on 06.10.2023 vide the Government Order in G.O.(D).No.584, Municipal Administration and Water Supply (Me.4) Department, for cancelling the order of punishment. In fact, this petitioner who is also the co-delinquent with the said R.Pandiyaraj had also been given with the stoppage of increment without cumulative effect for two years as the punishment was imposed upon the said R.Pandiyaraj. In fact, as against R.Pandiyaraj, the Government Order to cancel the punishment has been passed as early as on 06.10.2023 itself. In such case, in the subsequent orders passed by the Review Authority, it could not have been different as against this petitioner. Such different outlook for imposing the punishment against two similar persons who are co-delinquents would be distinct and partial.



W.P.(MD)No.15987 of 2024

6. In view of the above reasons, the impugned orders of Punishment passed by the first respondent vide the Government Order in G.O.(D).No. 244, Municipal Administration and Water Supply (ME.4) Department, dated 07.05.2024 in confirming the order passed by the second respondent vide the Government Order in G.O.(D).No. 65, Municipal Administration and Water Supply (ME.4) Department, dated 20.02.2023 are set aside and the first respondent is directed to consider the Review Petition of the petitioner in the light of the earlier order of cancellation passed in favour of R.Pandiyaraj vide the Government Order in G.O.(D).No.584, Municipal Administration and Water Supply (ME.4) Department, dated 06.10.2023 and pass similar orders for cancelling the punishment against the petitioner as well within a period of four weeks from the date of receipt of a copy of this order and the respondents are directed to disburse all eligible service benefits to the petitioner. No costs. Consequently, the connected miscellaneous petitions are closed.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.15987 of 2024

To

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Chennai 600 009.
- 2.The Additional Chief Secretary to Government,
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W.P.(MD)No.15987 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.15987 of 2024

18.07.2024