



WP(MD). No.16337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.16337 of 2024
and WMP(MD) Nos.14184 & 14185 of 2024**

K.P.Karuppasamy Pandian

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai - 600 009..

2. The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai

3. The Commissioner,
Kovilpatti Municipality, Kovilpatti,
Thoothukudi District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the 2nd respondent in Na.Ka. No.25847/2019/K2 dated 07.07.2023 and quash the same as illegal.

For Petitioner : Mr.M.Kannan,



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For Respondents : Mr.J.Ashok for R1 and R2
Additional Government Pleader
Mr.J.Parekh Kumar for R3

ORDER

This writ petition has been filed challenging the impugned order of the 2nd respondent dated 07.07.2023.

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 and 2 and learned counsel for the third respondent.

3. The petitioner is now working as Revenue Inspector in the respondent municipality. When he was serving as an Assistant, he was issued with a charge memo on 11.10.2019. However, no action whatsoever was taken on the same. While so, on 26.11.2021, he was issued with another charge memo on the same set of allegations on 07.07.2023 by the 2nd respondent and enquiry was conducted pursuant to the charge memo and upon completion of enquiry, he was slapped with a punishment of stoppage of increment for three years with cumulative effect. Challenging the same, the petitioner is before this Court.



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4. The learned counsel for the petitioner submitted that for the same set of charges, earlier, the petitioner was issued with a charge memo, however, no enquiry was contemplated upon the same. However, subsequently for the very same allegations, he was issued with another charge memo, which culminated in punishment of stoppage of increment for three years with cumulative effect. The allegation against the petitioner is that the petitioner has collected half of the pending taxes and failed to collect the remaining taxes. The learned counsel submitted that though it is a team work, the petitioner has been allowed to hold the sole responsibility for the collection of taxes. He further submitted that as against the imposition of punishment, the petitioner has preferred an appeal. However, the said appeal has not been disposed of and hence, he submitted that the impugned order is liable to be interfered with.

5. The learned counsel for the third respondent submitted that the earlier charges given in the year 2019 was amended and fresh amended charge memo has been given in the year 2021. Since no action was initiated on the earlier charge memo, the petitioner is terming the said charge memo issued in the year 2021 as second charge memo.



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6. When the appeal preferred by the petitioner is pending, he could have awaited for the disposal of the appeal before filing of this writ petition. Since the appeal is pending for a long time without any progress, I feel that it is appropriate to direct the 1st respondent to dispose of the appeal filed before him.

7. In view of the above, the writ petition is disposed of with a direction to the petitioner to file additional grounds, if any, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, 1st respondent to dispose the appeal, by giving due opportunity to the petitioner, within a period of four weeks thereafter. No costs. Consequently connected Miscellaneous Petitions are closed.

22.07.2024

RR



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TO

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Chennai - 600 009..

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R.N.MANJULA,J

RR

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IN
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