



WP(MD). No.16337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/07/2024

CORAM

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

**WP(MD). No.16338 of 2024
and WMP(MD) Nos.14198 & 14199 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.10986/2020/K2 dated 31.05.2022 and the consequential impugned order passed by the 3rd respondent in Na.Ka.No.3819/2022/C1 dated



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13.07.2022 and quash the same as illegal.

For Petitioner : Mr.M.Kannan,
For Respondents : Mr.J.Ashok for R1 and R2
Additional Government Pleader
Mr.P.Srinivas for
Mr.J.Parekh Kumar for R3

ORDER

This writ petition has been filed challenging the impugned order of the 2nd respondent dated 31.05.2022 and the impugned order of the third respondent dated 13.07.2022.

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 Revenue Inspector, he was given additional charge. However, the same was withdrawn by the respondents. However, a show cause notice was issued on 09.01.2020 on the allegation as if the petitioner has refused to accept the additional charge given to him. The petitioner has also given his reply to the same



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on 13.01.2020. Subsequently, the additional charge given to the petitioner was withdrawn/cancelled by the third respondent. However, without considering these aspects, the petitioner was given with a charge memo and an enquiry has been contemplated and upon completion of enquiry, he was slapped with a punishment of stoppage of increment for three years without cumulative effect. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the allegation against the petitioner is that the petitioner has refused to hold additional charge given by the third respondent and thereby termed it as insubordination. The learned counsel 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 among other charges, one of the charge against the petitioner is that he has failed to accept the additional work allotted to him. He further



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submitted that as against the punishment imposed, the appeal filed by the petitioner is still pending.

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

1. The Additional Chief Secretary to Government,
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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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