



WP(MD) No.16710 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16710 of 2024

and

W.M.P.(MD)Nos.14460 & 14461 of 2024

Pon Nandagopal

... Petitioner

Vs.

1.The Treasury Officer,
District Treasury,
O/o. District Collector Complex,
Dindigul 624 004.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, by calling for the records relating to the proceedings of the 1st respondent made in Na.Ka.No. 105/2024/P1 dated 21.03.2024 and quash the same.

For Petitioner : Mr.R.Murali

For Respondents : Mr.J.Ashok (R1)

Additional Government Pleader

Mr.P.Subbaraj (R2)

Special Government Pleader



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ORDER

The petitioner has filed this Writ Petition challenging the proceedings of the first respondent made in Na.Ka.No. 105/2024/P1 dated 21.03.2024, wherein there was a direction to deduct the dearness allowance in respect of the punishment imposed on the petitioner.

2. Heard Mr.R.Murali, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first respondent and Mr.P.Subbaraj, learned Special Government Pleader for the second respondent

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

4. The petitioner joined the Hindu Religious and Charitable Endowment Department as Grade I Executive Officer in the year 1979. In the year 2010, he was working as Assistant Commissioner at Thiruvavarur. He was issued with a charge memo dated 03.08.2011 and at the conclusion of the disciplinary proceedings, the petitioner was



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imposed with the punishment of deduction of Rs.3,000/- per month for a period of seven years on the allegation of failure to protect the temple property and another punishment of deduction of Rs.2,000/- per month for a period of three years on the allegation of appointment of eight teachers in violation of the Tamilnadu Recognized Private School Regulation Act, 1973. The petitioner has challenged the above punishment orders in WP(MD)No.2554 of 2019 and WP(MD)No.15303 of 2019. Both the writ petitions have already been allowed by quashing the punishment imposed upon the petitioner with a direction to refund the recovered amount already made against the petitioner. Without considering the same, the impugned order has been passed. Challenging the same, this writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that without even noticing the fact that the punishment imposed on the petitioner is quashed, the first respondent passed the impugned order for deduction of dearness allowance in respect of the punishment imposed upon the petitioner and hence, prayed for quashing the same.



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6. On perusal of the materials available on records, it is clear that the punishment imposed upon the petitioner itself had already been quashed in the aforesaid writ petitions filed by the petitioner. However, the impugned order for deduction of dearness allowance in respect of the punishment imposed upon the petitioner has been passed, without even taking note of the subsequent development.

7. This Court has already directed the respondents to pay all the monetary benefits to the petitioner including the recovered amount. While that being so, there is no question of deduction of dearness allowance in respect of the punishment imposed upon the petitioner. On that sole ground, the impugned order is liable to be set aside.

8. In the result, this writ petition is allowed and the impugned order passed by the first respondent dated 21.03.2024 is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

Index : Yes / No
NCC : Yes / No



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R.N.MANJULA, J.

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Order made in
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