



WEB COPY

WP No. 7224 of 2011



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 7224 of 2011

1. C.Ravikumar

42/2 Yeri St, Hosur, Krishnagiri Dt

Petitioner(s)

Vs

1. Hosur Municipality

Rep by its Commissioner, Hosur

2.The Municipal Administration

and Water Supply Dept., Rep by its

Secretary, Fort St.George, Chennai -9

Respondent(s)

PRAYER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the dismissal order passed in Na. Ka. No. 7382/99/C1 dt 15.11.2002 by the 1st respondent herein and quash the same and direct the respondents to reinstate the petitioner as Office Assistant in the 1st respondent Municipality with all backwages and attendant benefits.



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For Petitioner(s): M/s. R. Radha Pandian

For Respondent(s): M/s.P.Srinivas, for R1
Mr.V. Nanmaran, AGP for R2

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the dismissal order passed in Na. Ka. No. 7382/99/C1 dt 15.11.2002 by the 1st respondent herein and quash the same and direct the respondents to reinstate the petitioner as Office Assistant in the 1st respondent Municipality with all backwages and attendant benefits.

2.The petitioner is challenging the order of dismissal from service. The Disciplinary Authority, after conducting the enquiry, imposed the punishment of dismissal from service.

3.The allegations against the petitioner is that the bill books/receipts were printed by him on his own and he collected the professional tax. After collecting the tax, the said duplicate receipts were issued to the persons who



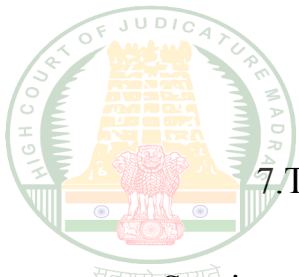
paid the tax. According to the Department, the petitioner had collected a sum of Rs.3,13,700/- by issuing fake receipts.

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4. The learned counsel for the petitioner has not disputed that after the enquiry, the enquiry officer submitted his report dated 07.08.2002 and the petitioner has also replied for the same. After receipt of the reply, he was dismissed from service on 15.11.2002 under the Tamilnadu Municipal Services (Discipline & Appeal) Rules, 1970. Against the orders of imposing punishments by the Disciplinary Authority, there is an Appellate Authority under Rule 5, whereby the appellate authority can alter the punishment after hearing the delinquent employee.

5. It is not disputed that the petitioner did not approach the Appellate Authority as required under the Rules.

6. The learned counsel for the petitioner submits that the fundamental rights have been violated and to meet the ends of justice, the Writ Petition has to be allowed.



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7. There is an Appellate Authority under the Tamilnadu Municipal Services (Discipline & Appeal) Rules, 1970, whereby the enquiry report could be questioned very well. However, without approaching the said Appellate Authority, the petitioner has approached this Court nearly after a decade from the date of the punishment imposed on him. Though, the learned counsel for the petitioner has stated that there was a pending criminal case against the petitioner, for which reason, he could not approach the Appellate Authority, the said reason cannot be accepted.

8. The Writ Petition is dismissed. However, this dismissal will not come in the way of the petitioner questioning the disciplinary authority report before the appropriate authority. No costs.

09-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. Hosur Municipality,
Rep by its Commissioner, Hosur

2. The Municipal Administration
and Water Supply Dept.,
Rep by its Secretary,
Fort St. George, Chennai 9



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K.SURENDER, J.

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