



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29-07-2025

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 27625 of 2016

T.N.Kamalraj,
S/o.Natesapillai, Old No.24, New No.29, Velu
Street, Sholinganallur, Chennai-600 119.

Petitioner(s)

Vs

1.The Principal Secretary to
Government of Tamilnadu, Municipal
Administration & Water Supply Department, Fort
St. George, Chennai.

2. The Director of Town
Panchayats, Kuralagam, Chennai-108.

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the 2nd respondent in its Na.Ka.No.17069/2005/A1 dated 17.02.2012 and the consequential proceedings of the 1st respondent in G.O(Ten years) No.322, Municipal Administration and Water Supply(TP4) Department, dated 20.05.2015 and quash the same.

For Petitioner : Mr.G.Angu Janani for
M/s.V.Vijay Shankar



For Respondents : Mr.S.Rajesh, GA

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ORDER

This Writ Petition has been filed seeking for issuance of a Certiorari, to call for the records of the 2nd respondent in its Na.Ka.No.17069/2005/A1 dated 17.02.2012 and the consequential proceedings of the 1st respondent in G.O(Ten years) No.322, Municipal Administration and Water Supply(TP4) Department, dated 20.05.2015 and quash the same.

2.The facts of the case are that the petitioner joined as Clerk on 01.12.1979 in the respondent Department. He was promoted periodically. A charge memo was issued on 02.08.2006. According to the charges levelled against the petitioner, he had neglected his duties and did not take any steps to auction the shops which are in Guduvancherry Town Panchayat, though they were vacant. Further allegation that the rents of the shops were not revised periodically and in some of the shops, unauthorised activity was going on, which the petitioner failed to prevent. After the enquiry, the petitioner was dismissed from service on 31.08.2007. The petitioner approached this Court vide WP No.30964 of 2007. In the said



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Writ Petition, this Court held that the allegations were not serious in nature and it amounts to negligence. There is no element of misappropriation or misuse of funds. Accordingly, the petitioner was directed to be reinstated into service and was also asked to pay a sum of Rs.45,030/- to the respondent Department .

3.The Department accordingly, reinstated the petitioner and the 2nd respondent however, had imposed a punishment of stoppage of increment for three years with cumulative effect and recovery of a sum of Rs.45,030/- in equal installments. The authority deemed it appropriate that the said punishment would suffice towards the lapses on the part of the petitioner.

4.Questioning the punishment, the petitioner is before this Court.

5.Ms.G.Angu Janani, learned counsel representing on behalf of M/s.V.Vijay Shankar, for the petitioner submits that the punishment imposed on the petitioner is on the higher side when compared to the allegations levelled against the petitioner. Such harsh punishment cannot be imposed and prayed for setting aside the punishment imposed on the petitioner.



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6. Having gone through the records, there cannot be any indulgence with regard to the punishment imposed on the petitioner for the charges levelled against the petitioner. However, keeping in view the present facts of the case, whereby, the petitioner has not indulged in any kind of misappropriation and mis-use of funds, this Court deems it appropriate to alter the punishment of stoppage of increment for 3 years without cumulative effect and also to recover a sum of Rs.45,030/- in equal installments.

7. With the above modification, this Writ Petition is disposed of. No costs.

(K.SURENDER,J)

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Index : Yes/No

Speaking order: Yes/No



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K. SURENDER, J

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