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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12407 of 2018 and
W.M.P.No.14544 of 2018

Pradeep Suryakar

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

3.The Appointment Committee,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

4.The Special Officer,
Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the passing of the impugned order issued in proceedings M.A.5.V.D.NA.KA.No.R1/3515/2017, dated 27.04.2018 and quash the same and consequently, direct the first respondent to regularize the service of the petitioner with all service and monetary benefits.

For Petitioner : Mr.R.Singaravelan, Senior Counsel for Mr.R.Ramanlaal
For Respondents : Mr.R.Gopinath, Standing Counsel

ORDER

This Writ Petition has been filed to call for the records of the first respondent relating to the passing of the impugned order issued in proceedings M.A.5.V.D.NA.KA.No.R1/3515/2017, dated 27.04.2018 and quash the same and consequently, direct the first respondent to regularize the service of the petitioner with all service and monetary benefits.

2. Heard Mr.R.Singaravelan, learned Senior Counsel for the petitioner, Mr.R.Gopinath, learned Standing Counsel for the respondents and perused the materials available on record.

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3. The petitioner was working as an Assessor in the respondent Corporation and has challenged the order of the first respondent dated 27.04.2018 wherein the petitioner has been given with the punishment of stoppage of increment for three years without cumulative effect in view of certain proved charges. In fact, the second respondent who is the disciplinary authority has imposed the punishment of stoppage of increment for one year with cumulative effect. The first respondent had an occasion to deal with the appeal not because the Department had preferred an appeal stating that the punishment imposed by the disciplinary authority was less. It was the petitioner who had filed an appeal against the orders of the second respondent / disciplinary authority.

3.1. In fact, the petitioner has filed a Writ Petition challenging the orders of the second respondent in W.P.No.6610 of 2014. In the impugned order of the first respondent itself, the order passed by this Court in the above Writ Petition has been extracted. In the above order, a

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specific direction has been given to the Appellate Authority to give a detailed finding on the infirmities pointed out by the petitioner by taking into account of the evidence available on file during the enquiry. Without considering the same, the first respondent has passed the impugned order.

4. It appears from the impugned order that the first respondent authority did not even notice the punishment imposed by the second respondent. In the subject of the impugned order itself, it has been clearly stated about the order passed in the Writ Petition in W.P.No.6610 of 2014 dated 05.09.2017. The very same order has been shown in the reference also. The above Writ Petition has been filed to challenge the order of the second respondent dated 05.03.2013. But in the first reference of the first respondent's proceedings, a reference was made about the proceedings of the second respondent dated 09.03.2013. It appears that the first respondent did not even apply his mind to understand what is involved in W.P.No.6610 of 2014 and what is the observation made in the said order.

5. The discussions made in the impugned order dated 27.04.2018

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would only show that there is some confusion in dealing with the papers. As the order has not been passed in terms of the order passed by this Court in W.P.No.6610 of 2014 dated 05.09.2017 despite making reference about it, I feel the impugned order is liable to be set aside.

6. In the result, this Writ Petition is allowed and the impugned order passed by the first respondent in proceedings M.A.5.V.D.NA.KA.No.R1/3515/2017, dated 27.04.2018 is set aside and the first respondent is directed to pass consequential orders for allowing the service benefits, if any flowing from setting aside the impugned order, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

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Chennai - 600 003.

2.The Regional Deputy Commissioner (North),
Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

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