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WP No. 19250 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 19250 of 2019

T.Suyambulingom
S/O. K.Thiayarajan Supervisor
(Assistant Works Manager in charge)
(FAC) Tamilarasu Press, No 5, Rajuv
Gandhi Salai Tharamani chennai-113.

Petitioner(s)

Vs

The Secretary
Govt of TamilNadu Tamil Development
and Information Department,
Fort.St.George.

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Certiorarified Mandamus to call for the records on the file of the 2nd Respondent in connection with his Proceedings No 3192/NIR-1/2018-1 dated 21.8.2018 and rejection of appeal by the 1st Respondent in G.O(VA) No. 115 Tamil development (M) News (NIR-1) Department Dated 14.5.2019 and quash the same and consequently direct the Respondents to continue to grant increments.



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For Petitioner(s): Mr.T.Aananthi

For Respondent(s): Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The writ petition has been filed to quash the proceedings of the 2nd Respondent in Proceedings No. 3192/NIR-1/2018-1 dated 21.8.2018 and rejection of appeal by the 1st Respondent in G.O(VA) No. 115 Tamil development (M) News (NIR-1) Department dated 14.5.2019 and consequently direct the Respondents to continue to grant increments.

2. The petitioner has been appointed to the post of Supervisor on 08.06.2011 and he got regularized on 03.07.2012. The petitioner was called for explanation on certain allegations on 08.02.2018. After having granted an opportunity to submit his explanation, the petitioner was imposed with the punishment of stoppage of one year increment without cumulative effect. The petitioner has alleged that he did not take any precautionary measures though he know that in Tamilarasu Magazine, special printing works needs to be undertaken to publish the compilation of speeches of the Hon'ble Chief Minister delivered in Tamil Nadu Legislative Assembly and various other Government functions every year.

3. Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that the petitioner had been negligent in his duties and failed to keep



the printing machine in good condition by not maintaining it well in advance. It is further alleged that the petitioner could have used two colour machines available in Tamil Nadu Press instead of taking out the work to Government Press in Mint by causing unnecessary hazzle. The petitioner had not procured the materials for the printing work well in advance and kept the machine in a bad condition by anticipating urgent work at the end of January every year. The appeal filed by the petitioner challenging the order of punishment has also been dismissed by stating that the grounds raised by the petitioner are not sustainable.

4. It is to be noted that the petitioner has been given with the charge memo by alleging that he did not discharge his duty in his capacity as full additional charge of Assistant Works Manager. It appears that the petitioner was asked to hold the higher post as Additional charge and was found fault for not being prepared to carry out the urgent works. It is to be noted that the petitioner had filed another writ petition in W.P. No.34857 of 2015 to consider him to be promoted to the post of Assistant Works Manager as he has got the required work experience. Even though in the year 2015 he did not have the required experience, in the year 2016 the petitioner has got the required five years experience. Even thereafter he was not considered to the post of Assistant Works Manager and he was compelled to discharge the functions of both the post of Assistant Works Manager and his original post as Supervisor.



5. The charge memo has been issued on 08.02.2018 on which date the petitioner had acquired the qualification to be promoted to the post of Assistant Works Manager. Had the petitioner got promoted to the said post and another person have recruited in the Supervisor post, the petitioner could have got more time and ability to discharge his duties in the role of Assistant Works Manager. In the order of punishment, the above factor was not considered by the respondents 1 and 2. The petitioner has raised a ground that he has been given with the punishment only as a retaliative measure for having filed a writ petition seeking the post of Assistant Works Manager on transfer. It is true that the petitioner was in anxiety to give representation in the year 2013 itself when he did not have the required qualification. In view of his prematured and anxious representation, he caused certain difficulties to the respondents to face the litigation before the Court. But that cannot be the reason to take revenge on the petitioner.

6. It is submitted by the learned Additional Government Pleader for the respondents that there is no *mala fide* intention on the part of the respondents to punish the petitioner but the petitioner was found fault because he did not raise up to the occasion when there are urgent works to be carried out.

7. It might be true that the petitioner could not raise up to the occasion when there are urgent works to be done because he was holding both the post of Supervisor and Assistant Works Manager. As the essential aspect which ought to



have been considered before imposing punishment on the petitioner was omitted to be considered, I feel some indulgence should be shown

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8. The imposition of punishment on the petitioner was unmindful of his long services rendered in the post of Assistant Works Manager as Additional in-charge and the same could have been a hurdle for his further promotion.

9. In view of the above stated reasons, this writ petition is allowed and proceedings of the second respondent in Proceedings No. 3192/NIR-1/2018-1 dated 21.8.2018 and the order of the 1st Respondent in G.O(VA) No. 115 Tamil development (M) News (NIR-1) Department dated 14.5.2019, are hereby quashed and the Respondents are directed to continue to grant increments to the petitioner. No costs.

04-03-2025

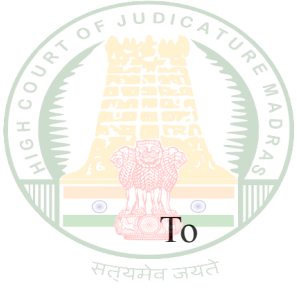
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. The Secretary

Govt. of TamilNadu Tamil
Development and Information
Department, Fort.St.George.

2. The Director, Government of
TamilNadu
Information and Public Relation
Department, Fort.St.George chennai-9

3. The Deputy Director (Publication)
Tamilarasu Press, No 5, Rajiv Gamndhi
Salai Tharamani Chennai-113.



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R.N.MANJULA J.

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