



W.P.No.17431 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.17431 of 2020

S.Swaminathan

... Petitioner

Vs.

1.The State of Tamil nadu,
Rep.by the Joint Director (Personnel),
Directorate of School Education,
Nungambakkam,
Chennai 600 006.

2.The Chief Educational Officer,
Nagapattinam Distict,
Nagapattinam.

3. The District Educational Officer,
Mayiladuthurai,
Nagapattinam.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus , calling for the records of the first respondent pertaining to his order made in Na.Ka.No.58699/A4/E2/2018 dated 06.01.2020 and quash the same, consequent to direct the 1st respondent to reconsider the request of the



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petitioner made in his representation dated 03.10.2019 to restrict the period of punishment since the punishment imposed by the 3rd respondent is perpetual in nature.

For Petitioner : Mr. R.Malaichamy
For Respondents : Mr.T.M.Rajangam
Govt.Advocate

ORDER

The present writ petition has been filed challenging the impugned order passed by the first respondent dated 06.01.2020 and quash the same and for a consequential direction to the 1st respondent to reconsider the request of the petitioner made in his representation dated 03.10.2019 to restrict the period of punishment since the punishment imposed by the 3rd respondent is perpetual in nature.

2. The brief facts of the case are as follows:-

The case of the petitioner is that he was working as Record Clerk at



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Kiliyanur, High School, the third respondent vide his proceedings dated 16.10.2000 by making false allegations against him and that the disciplinary proceedings was taken under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and passed final orders by the third respondent, District Educational Officer, Nagapattinam vide proceedings in Rc.4562/B1/98 dated 16.10.2000 imposing the punishment of stoppage of increment for two years with cumulative effect. It is further submitted that the petitioner did not prefer any appeal within the stipulated time. Thereafter, the petitioner had made a representation to the second respondent dated 10.12.2007 for cancelling the order of punishment. On such receipt of the said representation, the second respondent has passed an order vide proceedings dated 05.02.2008 rejecting the appeal confirming the punishment already imposed. Aggrieved by the above said rejection order, the petitioner has preferred revision petition dated 15.10.2018 to the first respondent and the same was rejected on 07.01.2019 on the ground that there is no provision to entertain the revision petition 10 years after the order passed on appeal dated 05.02.2008.



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3. It is the further case of the petitioner that the order passed by the first respondent dated 07.01.2019 was duly communicated to the petitioner vide proceedings of the second respondent dated 29.05.2019. The petitioner got promoted to the cadre of Junior Assistant on 01.03.2011 and posted at Higher Secondary School, Thirukadaiyur. Now he was working as Junior Assistant at Govt.Higher Secondary School, Komal. There is no remark against the petitioner after 16.10.2000 till date. Under such circumstances, the petitioner had made a representation dated 03.10.2019 to the first respondent and the same was not considered till date. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner has requested the authorities to impose the punishment of stoppage of increment without cumulative effect. It is further submitted that the petitioner has already undergone the punishment. However, he has given the representation to consider his case sympathetically by imposing the punishment without cumulative effect.



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5. The learned Government Advocate appearing for the respondents submitted that the punishment imposed on the petitioner dated 16.10.2000 cannot be cancelled or reduced on the basis of the services rendered by the petitioner after the punishment was over. There is no such provision in the Tamil Nadu Civil Services (Discipline and Appeal) Rules,1955 either to cancel the order of punishment or to reduce the punishment after more than one decade. It is further submitted that the punishment of stoppage of increment for two years with cumulative effect has already been given effect and the punishment will affect the pension benefit also. It is also further submitted that the gravity of the charge is serious in nature i.e. theft of school records and tampering of school records and the above punishment is proportionate and not disproportionate as alleged by the petitioner. Hence, this petition is liable to be dismissed.

6. Considering the submission made on either side, this Court is inclined to pass the following order only on the ground of sympathy and not on merits of the case :-



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J.SATHYA NARAYANA PRASAD, J.

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The first respondent is directed to consider the representation of the petitioner dated 03.10.2019 and pass appropriate orders on merits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

02.01.2025

Index : Yes/No.
Internet : Yes/No
Speaking : Non-speaking Order
Neutral Citation : Yes/No

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To

1.The Joint Director (Personnel),
Directorate of School Education,
Nungambakkam,
Chennai 600 006.

2.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.



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3. The District Educational Officer, Mayiladuthurai,
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