

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1745 of 2016

A.Chinnasamy

... Petitioner

Vs.

The District Collector,
Collectorate,
Salem District,
Salem - 1.

... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 08.01.2016 made in Roc.No.48144/2010-1/A2 passed by the respondent and quash the same and direct the respondent herein to appoint the petitioner immediately in appropriate post with appropriate seniority and appropriate place with appropriate time within the Salem District Revenue Unit.

For Petitioner : Mr.A.Rajakumar

For Respondent : Mr.V.Subbiah,
Special Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that he was temporarily appointed as Junior Assistant on 03.01.1980 and his services were regularised on 28.06.1981 and thereafter, he was joined as Tahsildhar on 07.06.2010. He was placed under suspension on 30.12.2010 on the basis of the oral complaint given by one Vellaian, S/o.Ayaperumal for the demand of illegal

gratification of Rs.10,000/-. Aggrieved against the same, the petitioner filed a Writ Petition in W.P.No.32401 of 2015, wherein, this Court set aside the order of suspension and directed the respondent to pass orders within a period of six weeks. Since the respondent did not comply with the direction passed by this Court, the petitioner filed a Contempt Petition in Cont.P.No.2823 of 2015, which was admitted by this Court and notice was issued to the respondent. Based on the said notice, the respondent herein passed an order dated 08.01.2016, revoking the petitioner's suspension order, by transferring the petitioner from Salem District to Nilgiris District. Challenging the transfer order passed by the respondent, the present writ petition has been filed.

3. Heard the submissions of Mr.A.Rajakumar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4. The contention of the learned counsel for the petitioner is that as per the Tamil Nadu Revenue Subordinate Service Rules, the District Collector, has no authority to transfer a Tahsildhar from one District to another District and it has to be done by the Commissioner of Revenue Administration.

5. The learned Special Government Pleader fairly submits that the impugned order can be set aside and the same may be remanded back to the respondent for fresh consideration.

6. In view of the submission made by the learned Special Government Pleader, this Court deems it fit to set aside the impugned order passed by the respondent and accordingly, the impugned order is set aside and the matter is remanded back to the respondent for fresh consideration, by giving liberty to the respondent to pass appropriate orders as per Rules.

7. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ogy/sri

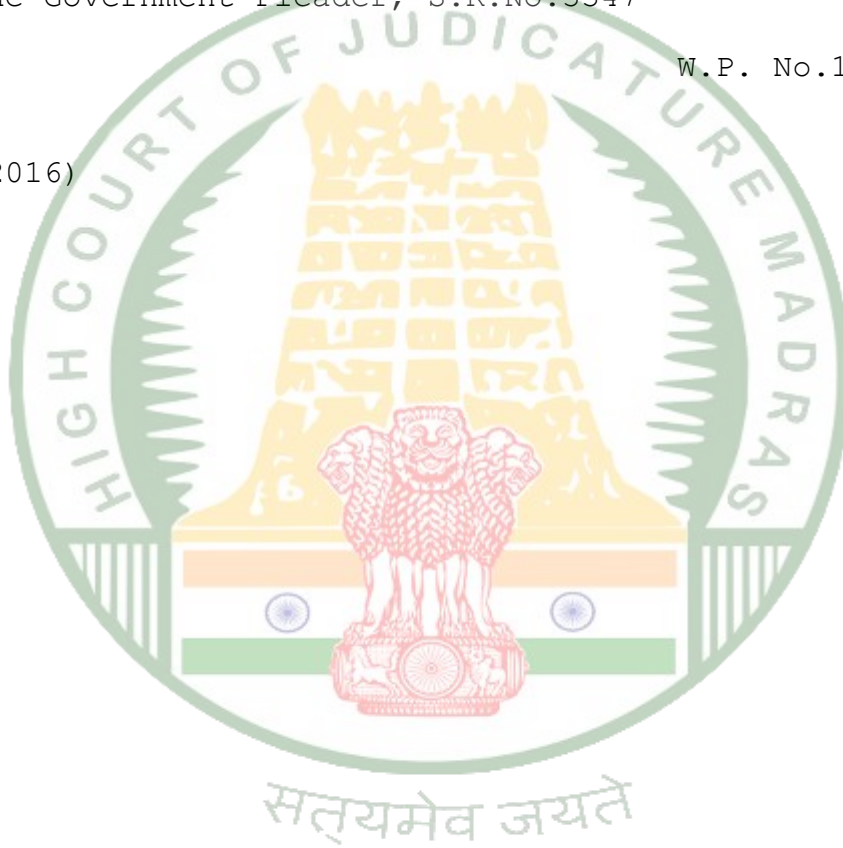
To

The District Collector,
Collectorate,
Salem District,
Salem - 1.

+3cc's to Mr.A.Rajakumar, Advocate, S.R.No.2953
+1cc to the Government Pleader, S.R.No.3347

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TEJ(CO)
CA(21/01/2016)



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