

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.20582 of 2016

A.Chinnasamy

.. Petitioner

Vs.

1.The Principal Secretary-cum-
Commissioner of Revenue Administration
Revenue Department
Chepauk
Chennai-5.

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

3.The District Collector
Collectorate, Ooty,
Nilgiris District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings, dated 28.04.2016, made in ROC No.48144/2010/(A2) and ROC No.48144/2010-1/A2, passed by the 2nd respondent and quash the same and to direct the 3rd respondent herein to reinstate the petitioner in service, with all service and all monetary benefits till date and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.A.Rajakumar

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings, dated 28.04.2016, made in ROC No.48144/2010/(A2) and ROC No.48144/2010-1/A2, passed by the 2nd respondent and quash the same and to direct the 3rd respondent herein to reinstate the petitioner in service, with all service and all

monetary benefits till date and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

2. The petitioner entered into service as Junior Assistant, on 03.01.1980. Subsequently, his service was regularised on 28.06.1981. He was suspended from service, on a trap laid, on 30.12.2010, on the complaint given by one Vellaiyan, for demand of illegal gratification of Rs.10,000/-. Subsequently, based on the orders passed by this Court, the petitioner's suspension was revoked and he was transferred and posted at Nilgiris District Revenue Unit, by order dated 08.01.2016. Against which, the petitioner has filed a Writ Petition in W.P.No.1745 of 2016. In the said Writ Petition, this Court, while setting aside the impugned order passed by the 2nd respondent, dated 08.01.2016, directed the 2nd respondent for fresh consideration. Based on the aforesaid order, the 3rd respondent, by proceedings dated 24.03.2016 directed the petitioner to join as Special Tahsildar (Tribal Welfare), Gudalur, Nilgiris District and the petitioner also joined the said post. The petitioner filed a Suit in O.S.No. 458 of 1993 for declaration of the alteration of the date of birth and the same was decreed on 29.03.1996. The same was published in the Salem District Gazette in March, 1997. But, the said Government Gazette was cancelled by the 2nd respondent, on 09.03.1999. The petitioner filed an Execution Petition in E.P.No.51 of 2008 seeking to execute the decree. During pendency of the same, the 2nd respondent, by proceedings, dated 28.04.2016, retired the petitioner from service. Against which, a Writ Petition was filed in W.P.No.17349 of 2016, wherein, this Court granted an interim stay, on 28.04.2016. On the same day, i.e., 28.04.2016, the petitioner was placed under suspension, without any enquiry. Seeking to quash the same, the present Writ Petition has been filed.

3. Mr.A.Rajakumar, the learned counsel for the petitioner would submit that the impugned order has been passed, without any notice and without affording sufficient opportunity to the petitioner.

4. The petitioner has already been superannuated from service, therefore, an appeal would lie to the Commissioner of Revenue Administration. Suffice it to state that as and when such an appeal is preferred before the Commissioner of Revenue Administration, the authority concerned shall consider the same and dispose of the same, on merits and in accordance with law, after affording sufficient opportunity to the petitioner, as expeditiously as possible. This Writ Petition is disposed of at the stage of admission itself. Consequently, connected

Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

paa

To

1.The Principal Secretary-cum-
Commissioner of Revenue Administration
Revenue Department
Chepauk, Chennai-5.

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

3.The District Collector
Collectorate, Ooty,
Nilgiris District.

2 ccs to Mr.A.Rajakumar, Advocate, sr.33470
1 cc to Government Pleader, sr.33723

Writ Petition No. 20582 of 2016

svi co
kra 29.06.2016

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