

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM

THE HON'BLE MR. JUSTICE M.S. RAMESH

W.P.No.33353 of 2013

and M.P.No.1 of 2013

A.Lakshmanan

... Petitioner

Vs.

1. The Regional Deputy Director,
Survey and Land Records Department,
Chepauk, Chennai 600 005.

2. The Assistant Director of Survey,
Survey and Land Records,
Collectorate, Villupuram.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceriorarified Mandamus calling for the records relating to 2nd respondents proceedings in Na.Ka.AA2-5069-2011 dated 06.05.2013 to quash the same and consequently direct the respondents to revise and refix the pension and other pensionary benefits.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mrs.M.E.Raniselvam, Addl. Govt.Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Ceriorarified Mandamus calling for the records relating to 2nd respondent's proceedings in Na.Ka.AA2-5069-2011 dated 06.05.2013, to quash the same and consequently direct the respondents to revise and refix the pension and other pensionary benefits.

2. By an order dated 06.05.2013 the petitioner was imposed with a punishment of reverting to the beginning scale of Senior Draughtsman i.e., Rs.9300+GP of Rs.4200/-.

3. Aggrieved against the punishment, the petitioner had filed an appeal before the first respondent dated 15.07.2013 which is pending. In the said appeal the petitioner had raised a

specific ground that the punishment, which was imposed on him on the verge of his retirement would have a direct bearing on the pension of the petitioner and had also questioned the want of jurisdiction of the respondents in imposing such a punishment, which could be done by an order of the Government.

4. When the petitioner has already made an appeal dated 15.07.2013 to the first respondent, challenging the impugned order, he cannot simultaneously agitate the same prayer in this writ petition. Nevertheless, it would be appropriate if the first respondent is directed to dispose of the same in accordance with law.

5. Under such circumstances, there shall be a direction to the first respondent to consider the petitioner's appeal dated 15.07.2013 against punishment order dated 06.05.2013, taking into account the petitioner's objection with regard to the second respondent's jurisdiction to pass the impugned order, and pass appropriate orders within 3 months from the date of receipt of a copy of this order.

6. Accordingly this writ petition is disposed of. No costs. Consequently miscellaneous petitions are also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Regional Deputy Director,
Survey and Land Records Department,
Chepauk, Chennai 600 005.

2. The Assistant Director of Survey,
Survey and Land Records,
Collectorate, Villupuram.

+1 cc to Mr.L.Chandrakumar Advocate sr 69714

+1 cc to Government Pleader for the Respondent sr 70111

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aa04/01/2017