

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.24720 of 2016

C.T.Palanivelu

.. Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary
Revenue Department
Fort St.George
Chennai- 600 009.

2.The Principal Commissioner and
Commissioner of Revenue Administration
Revenue Department
Office at Ezhilagam
Chepauk
Chennai-600 005.

3.The District Collector
Dharmapuri-636 705
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to take up the statutory revision preferred by the petitioner on 13.12.2014, as against the order of rejection, dated 06.10.2014, passed by the 2nd respondent and to pass orders thereon on merits and in accordance with law within a specified period as may be stipulated by this Court and to pass further suitable orders.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.P.Chinnadurai
Government Advocate

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to take up the statutory revision preferred by the petitioner, on 13.12.2014, and to pass orders, on merits and in accordance with law, within a time frame.

3. The petitioner was appointed as Village Administrative Officer, through the Tamil Nadu Public Service Commission, on 26.04.1984 and posted at Poonathanahalli Palacode Taluk, Dharmapuri District. According to the petitioner, he was fully eligible for promotion to the post of Assistant during the year 2002. However, he was not given promotion, due to pendency of criminal case against him alleging issuance of solvency certificate of the property in favour of an applicant. In this context, a charge memo was issued to him on 06.06.1995 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. On filing an Original Application in O.A.No.4317 of 1997, the Tribunal, by order, dated 16.03.1998, set aside the charge memo, dated 06.06.1995. While so, the Government issued G.O.(2D) No.271, Revenue Department, dated 22.12.1994, ordering to initiate departmental proceedings against the petitioner. Thereafter, by proceedings dated 14.08.2006, a fresh charge memo was issued to the petitioner containing the very same charges, which are covered in the charge memo, dated 06.06.1995. Challenging the same, the petitioner has preferred a Writ Petition in W.P.No.41975 of 2006. This Court, by order dated 21.04.2008, allowed the said Writ Petition, by setting aside the charge memo, dated 14.08.2006. Thereafter, the petitioner was given promotion to the post of Assistant only on 07.09.2009. However, his junior was given promotion during the year 2002. The petitioner has made a representation to the 2nd respondent claiming promotion from 2002 on par with his junior, but, the same was rejected, by order dated 06.10.2014. As against which, the petitioner has preferred a revision before the 1st respondent on 13.12.2014 and the same is still pending. Hence, the present Writ Petition.

4. Mr.P.Ganesan, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if the revision, which is now pending before the 1st respondent, is directed to be considered and disposed of, within a time frame.

5. Mr.P.Chinnadurai, the learned Government Advocate would contend that he has no objection in directing the 1st respondent to dispose of the revision, after affording sufficient opportunity to the petitioner, within a time frame.

6. Considering the limited scope of the prayer, this Court, without expressing any opinion regarding the merits of the revision filed by the petitioner, directs the 1st respondent

to consider and dispose of the revision filed by the petitioner on 13.12.2014, if the same has not been so far disposed of, on merits and in accordance with law, after affording sufficient opportunity to the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs.
paa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary
The State of Tamil Nadu
Revenue Department
Fort St.George
Chennai- 600 009.
- 2.The Principal Commissioner and
Commissioner of Revenue Administration
Revenue Department
Office at Ezhilagam
Chepauk
Chennai-600 005.
- 3.The District Collector
Dharmapuri-636 705
Dharmapuri District.

+ 1 cc to Mr.P.Ganesan, Advocate Sr 40307

+ 1 cc to The Govt.Pleader, Sr 40417

KR/1/8/2016

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