

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 36970 of 2016

&

W.M.P. No. 31769 of 2016

G. Ghulam Jeelani Papa ..Petitioner

Vs.

1. The Principal Secretary/Commissioner of
of Revenue Administration,
Disaster Management & Mitigation
Department,
Chepauk, Chennai 600 005.
2. Government of Tamil Nadu, rep.
by Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.
3. The Collector,
Chennai District,
Chennai 600 001. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to Pro. Ser. 2(1)/40734/2015 dated 07.01.2016 (served on 22.08.2016) and quash the same and to issue consequential directions to the 2nd respondent to empanel the petitioner in the ensuing panel for promotion as DRO and to promote him as such with retrospective effect from the date of promotion of his immediate junior with consequential benefits.

For Petitioner	::	Mr.M. Ravi
For Respondents	::	Mr.K. Dhananjayan, Special Govt. Pleader

O R D E R

Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both parties, the writ petition itself is taken up for final disposal.

2. The petitioner, while working as Deputy Collector (Administration), in the office of the Regional Deputy Commissioner (North), Corporation of Chennai, was visited with disciplinary proceedings, which ultimately culminated in the impugned order dated 07.01.2016 imposing punishment of one year increment cut without cumulative effect and it is also indicated that an appeal against the said order lies to the Government in Revenue Department within 60 days from the date of receipt of a copy of the order. Challenging the illegality of the said order, the petitioner has filed this writ petition.

3. Learned counsel for the petitioner would draw the attention of this Court to the typed set of papers enclosed and submit that there is an inordinate delay of more than 3 years in passing the impugned order, despite the fact that his explanation was submitted as early as on 05.01.2012. There was a further delay of 7 months in serving the impugned order and on the verge of consideration of the petitioner's name for promotion to the post of District Revenue Officer, the impugned order came to be passed and served very belatedly. Therefore, the learned counsel prays for appropriate orders.

4. Per contra, Mr.K. Dhananjayan, learned Special Government Pleader, who appears on behalf of respondents 1 to 3 would submit that the petitioner is having an effective alternative remedy of appeal and therefore, the writ petition is not maintainable.

5. This Court has paid its best attention to the rival submissiona and also perused the materials on record.

6. On a perusal of the impugned order, it is seen that the petitioner has been granted liberty to avail appeal remedy before the appropriate forum within 60 days from the date of receipt of a copy of the said order. Though the learned counsel for the petitioner would urge so many points, this Court is not inclined to consider the same for the reason that it is always open to the Appellate Authority to consider the said grounds urged by the petitioner, as and when an appeal is preferred.

7. In the result, the writ petition is disposed of with liberty to the petitioner to file an appeal before the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider and pass orders on the appeal preferred, on merits and in accordance with law, within a further period of six weeks thereafter and communicate the decision taken to the petitioner. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary/Commissioner of
of Revenue Administration,
Disaster Management & Mitigation
Department,
Chepauk, Chennai 600 005.
2. The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai 600 009.
3. The Collector,
Chennai District,
Chennai 600 001.

+1cc to Mr.M. Ravi, Advocate, S.R.No.71843
+1cc to the Government Pleader, S.R.No.72069

W.P. No. 36970 of 2016

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md(14/12/2016)