

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37227 of 2016

And

W.M.P.No.31962 of 2016

C.Ganesan

... Petitioner

Vs.

- 1 The Secretary to Government  
Revenue Department,  
Fort St. George, Chennai - 600 009.
- 2 The Commissioner of Revenue Administration,  
Chepauk, Chennai - 600 005.
- 3 The District Revenue Officer,  
Ariyalur District.
- 4 The Revenue Divisional Officer  
Udayarpalayam Taluk,  
Ariyalur District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.Oo/104/2008 dated 23.01.2009 passed by the 3<sup>rd</sup> respondent and quash the same and consequently direct the respondents to modify the punishment as compulsory retirement to the petitioner.

For Petitioner : Mr.S.Ilamvaludhi  
For Respondents : Mr.K.Dhananjayan  
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.Oo/104/2008 dated 23.01.2009 passed by the third respondent and quash the same and consequently, direct the respondents to modify the punishment as compulsory retirement to the petitioner.

3.The petitioner would state that he joined in the service as Village Administrative Officer in the year 1984 and during the heavy rain in the year 2005, the department directed to send particulars of the rainy affected persons list and he being the head of the Village had recommended the really deserved and rainy affected persons list to the Government. But, none availed beneficiaries sent anonymous petition and based on that, the petitioner was issued with a charge memo on 04.03.2006 by a proceedings issued in Na.Ka.A1/1381/06.

Later, the same has been covered as charge memo issued to the petitioner under Rule 17 (b) of CCA (D & A) Rules on 26.07.2006.

4.The petitioner would further state that he has given reply to the charge memo on 18.08.2006. Later Enquiry Officer was appointed and without going into the merit of the issue, he submitted his report on 29.01.2007. Thereafter, the petitioner was dismissed from service vide proceedings of the Revenue Divisional Officer, Udaiyarpalayam dated 14.03.2008. Thereafter, the petitioner preferred an appeal to the District Revenue Officer, Ariyalur on 20.01.2009 and the same was dismissed vide order dated 23.01.2009. Thereafter, a criminal case was registered against the petitioner and other personals like Village Assistant and Co-operative Society Secretary etc. and the learned Judicial Magistrate Jayamkindam vide order dated 28.01.2016 made in C.C.No.236 of 2010 convicted the petitioner and others. Thereafter, the learned Additional District and Sessions Judge, Ariyalur acquitted the petitioner and others. Since the petitioner has been acquitted from the charges, he has come forward with this petition seeking quashment of the order of dismissal from service passed by the third respondent.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.The learned counsel appearing for the petitioner at the time of making his submissions would submit that though this writ petition has been filed praying to quash the order of the third respondent dated 23.01.2009, the petitioner is now prepared to give a representation to the respondents with a request for modification of the punishment imposed and if a direction is given to the respondents to consider the said representation, that would suffice.

7.Considering the submissions made by the learned counsel appearing for the petitioner and without going into the merits of the case, this Court directs the petitioner to give a representation, along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the

respondents are directed to consider the said representation, on merits and in accordance with law and pass appropriate orders, within a period of four weeks thereafter.

8.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government  
Revenue Department,  
Fort St. George, Chennai - 600 009.
- 2 The Commissioner of Revenue Administration,  
Chepauk, Chennai - 600 005.
- 3 The District Revenue Officer,  
Ariyalur District.
- 4 The Revenue Divisional Officer  
Udayarpalayam Taluk,  
Ariyalur District.

+1 cc to Government Pleader,sr.61577.

rsk(co)  
krd 23/11

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