



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD) No.9851 of 2014

S.Sivakumar

... Petitioner

-vs-

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhlilagam, Chempauk.
Chennai-600 005.

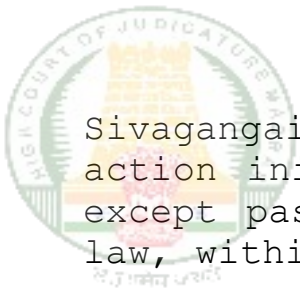
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, the Secretary to Government Revenue Department, Chennai and the Additional Chief Secretary and Commissioner of Revenue Administration, Chennai to dispose off the petitioner's representation dated 16.04.2014 regarding retransferring the petitioner to his parent Revenue District Sivagangai since all the process are over in the disciplinary action initiated against the petitioner even in the year 2010 except passing final orders, on merits and in accordance with law, within a specified time.

For Petitioner : Mr.S.Visvalingam
For R1 & R2 : Mr.S.Kumar
Addl. Govt. Pleader

O R D E R

This writ petition has been filed by the petitioner to direct the respondents, the Secretary to Government Revenue Department, Chennai and the Additional Chief Secretary and Commissioner of Revenue Administration, Chennai to dispose of the petitioner's representation, dated 16.04.2014 regarding retransferring the petitioner to his parent Revenue District



Sivagangai since all the process are over in the disciplinary action initiated against the petitioner even in the year 2010 except passing final orders, on merits and in accordance with law, within a specified time.

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2.The writ petitioner has submitted that he was working as Assistant in the Office of the Revenue Divisional Officer, Dharmapuri and his parent Revenue District is Sivagangai District. He was serving as Assistant in the Taluk Office, Karaikudi, Sivagangai District. He was placed under suspension and charges were framed against the petitioner by the Government under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules in Government Letter No.28775/Service 2(2)/2005-8, dated 21.11.2006 regarding the transfer of registry made in the year 2003 as per the orders of the Assistant Settlement Officer, Madurai reached through the Director of Survey and Settlement, Chennai. Against which, the petitioner filed a Writ Petition in W.P(MD)No.7057 of 2006. By order, dated 02.03.2007, the suspension order was set aside and directed the District Collector to the post the petitioner in any non-sensitive post. Thereafter, the petitioner was transferred to Dharmapurai District and serving there as Assistant till date.

3.He further submitted that regarding the disciplinary action initiated against the petitioner in the Government Memo, dated 21.11.2006, an Enquiry Officer was appointed by the Government in G.O(D)No.194 Revenue Department, dated 10.04.2008. The petitioner submitted his explanation before the Enquiry Officer and the Enquiry Officer complete his enquiry and sent his report to the Government on 02.03.2009. The petitioner has also submitted his additional explanation to the Enquiry Report on 03.06.2010. Though the charges were framed in the year 2006 and the Enquiry was completed in the year 2009 and the petitioner has submitted the further representation in the year 2010, but no final orders have been passed till date.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

5.The only prayer sought for in this writ petition is that the petitioner's representation, dated 16.04.2014 seeking re-transferring the petitioner to his parent Revenue District Sivagangai, has not been considered sofar.

<https://hcservices.courts.gov.in/hcservices/>

6.Now, the learned counsel for the petitioner



submitted that the petitioner has been transferred to Sivagangai and therefore, nothing survives for adjudication.

7. In view of the submission made by the learned counsel for the petitioner, this petition is dismissed as infructuous. No costs.

sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department, Secretariat,
Chennai-600 009.

2. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhlilagam, Chepauk. Chennai-600 005.

+1cc to Mr.S.Visvalingam, Advocate in SR.No. 91387

+1cc Spl.Government Pleader Sr.No.92116

GJM/MR/SAR-2-4.1.18-3p-5c

W.P(MD) No.9851 of 2014
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