



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.815 of 2017

E.Loyola Joseph Arockiadoss

... Petitioner

-vs-

1. The District Collector,
Tirunelveli.

2. The Block Development Officer
(Block Panchayat)
Pappakudi Panchayat Union Office,
Pappakudi @ Mukudal,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, calling for the records of the impugned proceedings issued by the 1st respondent in Roc.No.N5/19157/2013 dated 04.01.2017 and served by the 2nd respondent on 10.01.2017 and quash the same.

For Petitioner : Mr.V.Vijayshankar

For Respondents : Mr.M.Rajarajan
Govt. Advocate

O R D E R

This writ petition has been filed, seeking to quash the impugned order dated 04.01.2017 passed by the 2nd respondent in Roc.No.N5/19157/2013, by which the petitioner was reverted to the lower cadre with reduction in the scale of pay.

2. The case of the petitioner is that based on the inquiry report dated 16.03.2016, the 1st respondent has passed the impugned order without considering the fact that the loss sustained to three Village Panchayats had been recovered from the beneficiaries and credited into the funds of the Village Panchayats concerned on 02.04.2013, 03.04.2013 and 30.03.2013 itself and therefore, there is no loss to the exchequer, as falsely projected by the respondents.

3. Learned counsel for the petitioner would submit that the petitioner has been reverted to the lower post for a period of five years with further order of reduction in the time scale of pay; that the petitioner has the right of appeal against the order impugned



herein and since he has preferred appeal within sixty days, the respondents may be directed not to give effect to the impugned order till such time.

4. Learned Government Advocate appearing for the respondents would represent that the petitioner has already been relieved and another person has taken charge of the post.

5. According to the petitioner, he has not handed over the charge and therefore, the question of taking over and the joining post does not arise at all.

6. It is to be remembered that once an appeal has been filed, it is expected that the Appellate Authority shall dispose of the same within sixty days from the date of receipt of the appeal and there is no hard and fast rule that the concerned employee should not be allowed to continue in the same post till disposal of the appeal. However, it was represented that the new incumbent has joined the office.

7. Under such circumstances, a direction is issued to the 1st respondent to the effect that the impugned order dated 04.01.2017 shall be kept in abeyance, if nobody joined the post held by the petitioner and the order shall not be given effect to till a decision is arrived at in the pending appeal. If it has already been given effect to, the said joining will be subject to the result of the appeal.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli.

+4 cc to Mr. V.KARTHIKEYAN, Advocate, Sr.No:4264
+1cc to M/S Special Government Pleader, Sr No. 4506

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MAS/RR-BS:31.01.2017:2P/7C