IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2018

Coram

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.275 of 2017

M.Manoharan ... Appellant

Vs.

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2. The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

.... Respondents

This Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 01.11.2016 made in W.P.No.11508 of 2013 on the file of this Court.

Writ of CertiorariCall for the file relating in charge memo issued in Na.Ka.No.26965/2012/A4 dt.16.03.2013 from the file of the first Respondent and quash the same.

For Appellant : Ms.D.Malarvizhi

For Respondent: Mr.N.Manikandan, G.A.

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The Writ Petition filed by the appellant in W.P.No.11508 of 2013 was dismissed by the learned single Judge on the ground that the Principal Secretary/Commissioner of Revenue Administration has already passed final orders on 18.02.2016. The said order is under challenge at the instance of the unsuccessful writ petitioner.

2. The learned counsel for the appellant during the course of her submissions brought to our notice that the disciplinary authority has already passed final orders on 29.10.2014 punishing the appellant by imposing punishment of

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stoppage of increment for a period of six months without cumulative effect. According to the learned counsel, the order dated 29.10.2014 is a subject matter in W.P.No.9044 of 2015.

3. The challenge in the Writ Petition in W.P.No.11508 of 2013 was to the charge memo dated 16.03.2013. It is a matter of record that subsequently the disciplinary authority passed final orders dated 29.10.2014 imposing punishment on the appellant. Now the charge memo is no more in existence, in view of the punishment given by the disciplinary authority.

4. The learned single Judge proceeded as if the disciplinary authority passed final orders by order dated 18.02.2016. Such statement appears to be incorrect on account of the fact that the order dated 18.02.2016 was passed rejecting the request to include the name of the appellant for promotion to the post of Tahsildar.

5. We, therefore, set aside the observation with regard to the applicability of order dated 18.02.2016. It is open to the appellant to prosecute the Writ Petition in W.P.No.9044 of 2015 on all grounds available to him.

6. The intra Court appeal is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
   Nagapattinam District,
   Nagapattinam.

2. The District Revenue Officer,
   Nagapattinam District,
   Nagapattinam.

+1cc to Mr.D.Malarvizhi, Advocate SR.No.32199

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