

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2018

CORM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5748 of 2018

B.Selvakumar

...Petitioner

Versus

1. The Principal Secretary/Commissioner of Revenue
Administration,
Revenue Department,
Chepauk, Chennai-5.

2. The Collector,
Vellore District, Vellore.

3. The Special Tahsildar (ADW),
Adi-Dravidar Welfare Office,
Walajah, Vellore District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider on pass orders on the petitioner's appeal dated 5.7.2017 and grant promotion to the petitioner on par with his juniors who are now holding the post of Deputy Tahsildar.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.V.Kadhirvelu, Spl.G.P.

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's appeal dated 5.7.2017 and grant promotion to the petitioner on par with his juniors who are now holding the post of Deputy Tahsildar.

2. Learned Counsel for the petitioner submitted that while the petitioner was working as Special Revenue Inspector (Civil Supplies) at Walajah Taluk Office, a suspension order dated 23.11.2010 was issued to him under Section 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thereafter, by a Proceedings dated 30.12.2010, the suspension order was revoked and he was reinstated in the same post and further by a Proceedings dated 01.10.2011, final order was passed dropping the charges under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules as not proved and directed to treat his suspension period as eligible leave.

3. The learned Counsel for the petitioner further submitted that while so, the 2nd respondent issued a Charge Memo dated 30.7.2013 framing 3 charges against the petitioner and called for his explanation and the same was also submitted. In the meantime, the petitioner was permitted to undergo Survey and Settlement Training for promotion to the next post of Assistant and completed the same on 13.8.2013. Though the 3rd respondent has recommended to include his name for promotion to the post of Assistant from the year 2014 itself, his name was not included for promotion to the post of Assistant.

4. The learned Counsel for the petitioner also submitted that after a period of 4 years by a Proceedings dated 28.2.2014, the 2nd respondent appointed an Enquiry Officer to conduct enquiry into the above charges, who in turn, submitted his report dated 5.8.2015 stating that the charges were not proved. Thereafter also, the 2nd respondent asked the petitioner to submit additional explanation by Proceedings dated 3.1.2017 for the Enquiry Officer's Report and the same was submitted on 19.1.2017. The 2nd respondent passed an order of punishment dated 6.5.2017, namely, stoppage of increment for 6 months without cumulative effect. Aggrieved over the same, the petitioner preferred an appeal before the 1st respondent on 5.7.2017 and the same is still pending. Hence, the present Writ Petition.

5. Mr.V.Kadhirvelu, learned Special Government taking notice for the respondents, sought for four weeks time to consider and dispose of the petitioner's appeal dated 5.7.2017 by the 1st respondent.

6. Recording his submission, the 1st respondent is directed to consider and dispose of the petitioner's appeal dated 5.7.2017 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary/Commissioner of Revenue
Administration,
Revenue Department,
Chepauk, Chennai-5.

2. The Collector,
Vellore District, Vellore.
3. The Special Tahsildar (ADW),
Adi-Dravidar Welfare Office,
Walajah, Vellore District.

+1 C.C. to M/S.G.Jeremiah Advocate SR.NO. 19089/18

W.P.No.5748 of 2018

SJ (CO)

VS 03.04.2018



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