

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15403 of 2008

C.Muthusamy
Excise Supervisory Officer,
TASMAC,
Krishnagiri District.

.. Petitioner

Vs.

1.The Secretary to Government
Revenue Department,
Secretariat,
Chennai - 9.

2.The Special Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.

3.The Collector,
Krishnagiri District.

.. Respondents

Prayer :- Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the third respondent vide proceedings No.Rc.No.10837/05/A1 dated 30.07.2005 and to quash the same.

For petitioner : Mr.S.Vijayakumar

For respondents : Mr.R.S.Selvam

Government Advocate

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ORDER

The petitioner has filed this writ petition calling for the records relating to the proceedings R.C.No.10837/05/A1 dated 30.07.2005 issued by the third respondent, on the ground that the same was passed without proper application of mind and it caused great prejudice to his career, and thereby preventing his promotion to the post of Deputy Collector as well as the District Revenue Officer.

2. The case of the petitioner is that a charge memo was issued by the third respondent on the petitioner on 17.05.2005 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, alleging lapses on the part of the petitioner for the illicit quarrying in the probamboke land in Pochampalli Taluk. The petitioner gave explanation on 27.07.2008 and the third respondent has not accepted the explanation given by the petitioner, but has chosen to pass an order awarding censure, by converting the charges issued under Rule 17(b) into 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Eventhough the petitioner is eligible to get promotion, his name was not included in the penal for promotion from the year 2005 - 2006. Hence, the petitioner has filed this writ petition praying to quash the impugned order.

3. When the matter is taken up on 01.07.2009 learned counsel for the petitioner submitted that the petitioner has been posted as Deputy Collector and he further submitted that if review petition of the petitioner was taken up by the Government, the punishment imposed on him could have been decided.

4. The respondents have filed counter affidavit stating that the Collector has considered the whole issue with much sympathetic consideration and awarded lesser punishment to petitioner taking into consideration the petitioner's long service by modifying the charges under rules 17(b) into the proceedings under rule 17(a) and also considering the future of the petitioner sympathetically.

5. Since the petitioner's case has been considered and he was posted as Deputy Collector, nothing survives in this writ petition to be adjudicated and hence, the Writ Petition is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Revenue Department,
Secretariat,
Chennai - 9.

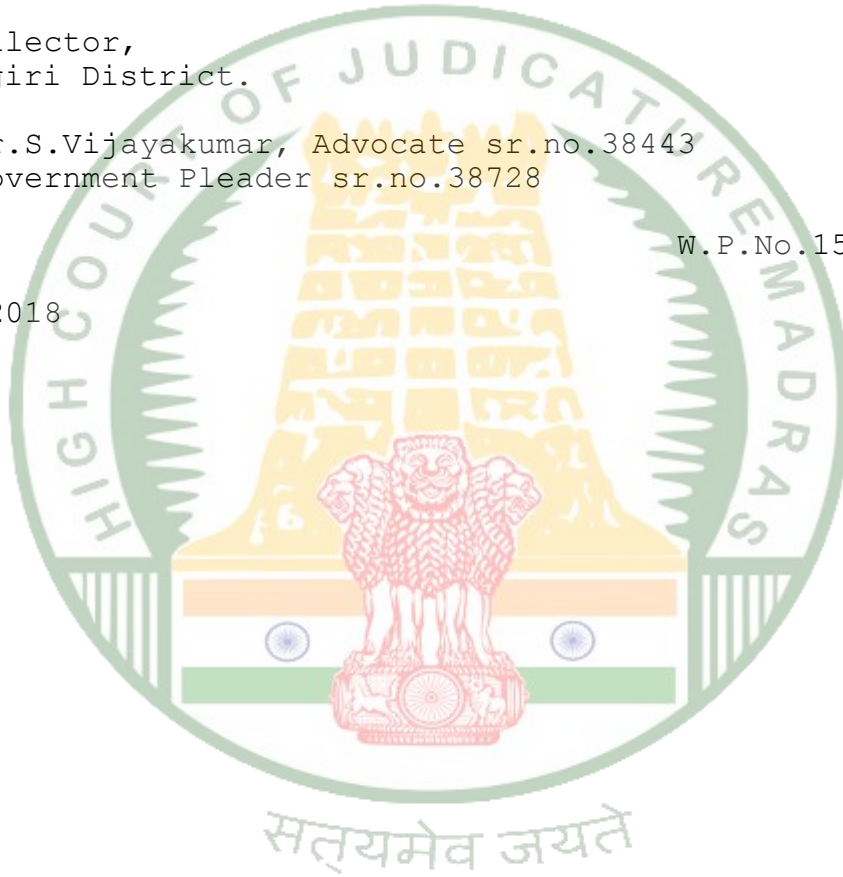
2.The Special Commissioner and
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5.

3. The Collector,
Krishnagiri District.

+1cc to Mr.S.Vijayakumar, Advocate sr.no.38443
+1cc to Government Pleader sr.no.38728

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