

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28583 of 2019

Tr.T.K.Ramalingam

.. Petitioner

Vs.

1.The Commissioner,
Revenue Administrator,
Chepauk, Chennai.

2.The District Collector,
Vellore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal dated 24.06.2019 by directing the respondents to pay subsistence allowance along with interest 18% from September 2018 to April 2019 to the petitioner.

For Petitioner : Mr.Gomathi Nayagam
Senior Counsel
for Mrs.R.Malathi
For Respondents : Ms.M.Lalitha
Government Advocate

O R D E R

The prayer sought for in the Writ Petition is to direct the first respondent to dispose the appeal dated 24.06.2019 by directing the respondents to pay subsistence allowance along with interest 18% from September 2018 to April 2019 to the petitioner.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that while he was working as Zonal Deputy Tahsildar, Taluk Office, Vellore, he was caught red handed while accepting the bribe amount and a case was registered under Prevention of Corruption Act, 1988. After investigation in C.C.No.04 of 2014, the petitioner was convicted under Section 7 of Prevention of Corruption Act, 1988, sentencing to undergo simple imprisonment of four years and to

pay the fine amount of Rs.2,500/- in default to undergo simple imprisonment for two months and sentencing to undergo under Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act, 1988 to undergo four years simple imprisonment and to pay a fine of Rs.2,500/- in default to undergo four years simple imprisonment for two months. Since the petitioner was convicted under the Prevention of Corruption Act, 1988, the Competent Authority, the District Collector, Vellore, the second respondent herein issued show cause notice by initiating disciplinary proceedings under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thereafter the petitioner was dismissed from service by the order of the second respondent on 22.04.2019. Against the order of dismissal, the petitioner filed an appeal before the Appellate Authority, the first respondent herein, on 24.06.2019. However, till date the appeal was not considered by the first respondent, for which, the petitioner has come out with the present Writ Petition.

4.The learned senior counsel appearing for the petitioner would submit that as against the conviction order, the petitioner preferred an appeal before this Court in Criminal Appeal No.601 of 2018 and this Court by the order dated 01.11.2018 made in CrI.M.P.No.13231 of 2018, suspended the sentence. In the meanwhile, the petitioner was dismissed from service by the order of the second respondent dated 22.04.2019. Against which the petitioner preferred an appeal before the Appellate Authority, the first respondent herein and however, the same was not considered by the first respondent till date. Hence, it would be suffice to issue direction to the first respondent to consider the appeal preferred by the petitioner dated 24.06.2019 and pass orders on the same on merits within a stipulated time.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the first respondent to consider the appeal preferred by the petitioner dated 24.06.2019 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

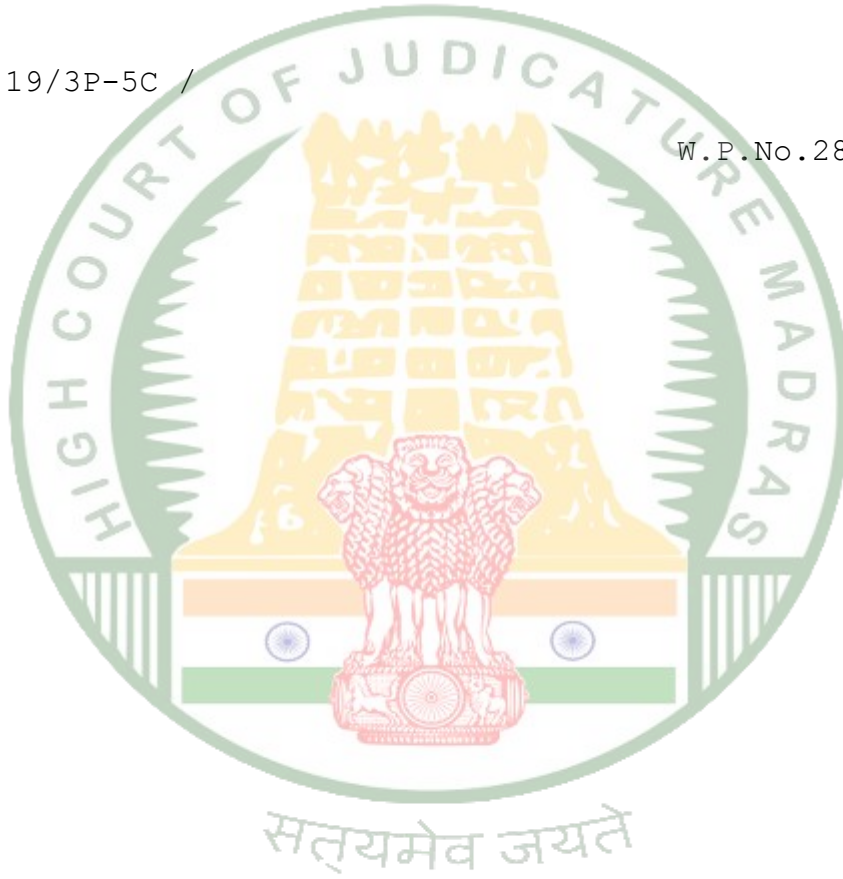
1.The Commissioner,
Revenue Administrator,
Chepauk, Chennai.

2.The District Collector,
Vellore.

+1 cc to M/s.Malathi,Advocate Sr.No. 83875
+1 cc to The Government Pleader Sr.No. 84510

AKM/12.12.19/3P-5C /

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