

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30005 OF 2019

AND

W.M.P.NO.29908 OF 2019

A.Arul Valavan Arokkiya Doss

... Petitioner

Vs

1. The Administrative Revenue Commissioner,
Chepauk,
Chennai-600005.

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

4. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other Writ, order or direction in the nature of Writ of Mandamus, direct the second respondent not to implement the order passed in Na.Ka.14471/2017/A3 dated 08.07.2019 by de-promote the petitioner as senior Revenue Inspector and not to transfer the petitioner to Ponneri, immediately join the duty in transfer as per the proceeding Na.Ka.A2/07/2019 dated 09.07.2019 until disposal of the Statutory appeal pending on the file of the first respondent.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mrs.Lalitha
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the second respondent not to implement the order passed in Na.Ka.14471/2017/A3 dated 08.07.2019 by de-promote the petitioner as senior Revenue Inspector and not to transfer the petitioner to Ponneri, immediately join the duty in transfer as per the proceeding Na.Ka.A2/07/2019 dated 09.07.2019 until disposal of the Statutory appeal pending on the file of the first respondent.

2. According to the petitioner he joined as Junior Assistant in the year 1998 and thereafter promoted as Deputy Tahsildar in the year 24.09.2016. While he was working as such, at the instance of complaint lodged regarding patta transfer, the petitioner was placed under suspension on 01.08.2017 and disciplinary proceedings were initiated against him. Later, the suspension order was revoked by the third respondent vide order dated 22.11.2017. Thereafter, enquiry was conducted and based upon the report of the enquiry officer, the second respondent passed order against the petitioner dated 09.07.2019 reducing the rank to Senior Revenue Inspector. Aggrieved by the same, it appears that the petitioner filed a Writ Petition in W.P.No.21082 of 2019 which came to be dismissed as withdrawn since the petitioner was instructed to prefer an appeal before the first respondent. Pursuant to the liberty given by this Court, the petitioner preferred an appeal before the first respondent challenging the impugned order on 15.07.2019.

3. The grievance of the petitioner is that the first respondent has not considered and dispose of the appeal and it is still pending. In such circumstances the petitioner has come forward with the present writ petition seeking Writ of Mandamus, not to implement the order of reduction of his resignation passed by second respondent dated 09.07.2019 until the disposal of the appeal preferred by him and pending before the first respondent.

4. Learned counsel for the petitioner would submit that until unless the appeal is finalised, the petitioner ought to have continue in the same rank and the order dated 09.07.2019 shall not be come into effect and therefore, the learned counsel would implore this Court not to implement the order of the second respondent, de-promoting the petitioner to the post of Senior Revenue Inspector and also not to transfer him.

5. Considering the facts and circumstances of the case and in view of the fact that the appeal preferred by the petitioner has been pending for consideration before the first respondent, this Court feels it is appropriate to direct the first

respondent to consider the appeal and dispose of the same as expeditiously as possible. Accordingly, the first respondent is directed to consider and dispose of appeal preferred by petitioner dated 15.07.2019 by passing appropriate order in accordance with law and on merits after affording an opportunity to the petitioner 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 stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Administrative Revenue Commissioner,
Chepauk, Chennai-600005.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
4. The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.M.Anandaraj, Advocate, S.R.No.88482

W.P.No.30005 of 2019

and

W.M.P.No.29908 of 2019

PP(CO)
CS/21/01/2020

WEB COPY