



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.20508 of 2019
and
W.M.P (MD) .No.17145 of 2019

M.Muthusamy

... Petitioner

Vs.

The Sub Collector
Palani Sub Collector Office
Dindigul District

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in Na.Ka.No.7790/2017/A1, dated 15.02.2019 on the file of the respondent and quash the same.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

The petitioner is challenging the impugned order passed in Na.Ka.No.7790/2017/A1, dated 15.02.2019, whereby punishment of stoppage of increment for three years with cumulative effect was imposed on the petitioner.

2.The learned counsel for the petitioner submitted that the respondent has not followed the procedure laid down for conducting the disciplinary proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal Rules) and he is not the disciplinary authority to initiate proceedings against the petitioner, who is working as Deputy Tahsildar. According to the petitioner, his service governs under the Special Rules for Tamil Nadu Revenue Subordinate Service Rules. The appointing authority for the post of Tahsildar and Deputy Tahsildhar is the District Collector, as per circular dated 30.06.2015, issued by the Secretary/Commissioner of Revenue Administration,



in which, various instructions are given with regard to handling of the disciplinary proceedings initiated under Rule 17(a) and 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and also fixing Authority to initiate departmental action and imposing penalties in the Revenue Department. The learned counsel for the petitioner referred to Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, which deals with disciplinary proceedings against the official of the Revenue Department. The District Collector is the Disciplinary Authority to initiate action against the Deputy Tahsildhar.

3.Heard Mr.S.Kumar, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondent.

4.In the present case on hand, the respondent, who is the Sub-Collector, has issued a charge memo, dated 15.02.2019 and after disciplinary proceedings, imposed punishment on the petitioner, by order dated 15.02.2019. As per circular dated 30.06.2015, issued by the Additional Chief Secretary/Commissioner of Revenue Administration, the District Collector is the Competent Authority to initiate proceedings for the post of Deputy Tahsildar and therefore, without jurisdiction, the punishment imposed by the respondent on the petitioner, who is the Deputy Tahsildar, is not maintainable.

5.For the above reasons, the order passed by the respondent in Na.Ka.No.7790/2017/A1, dated 15.02.2019, is set aside and this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

msa

To
The Sub Collector,
Palani Sub Collector Office,
Dindigul District.

+1 CC to M/s.S.KUMAR, Advocate (SR-92402[F] dated 17/10/2019)
+1 CC to M/s.SPL GP (SR-92462[F] dated 17/10/2019)

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