

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.427 OF 2020

M.Manoharan

.. Petitioner

- Vs -

- 1.The Chief Secretary,
Govt. of Tamil Nadu,
Fort. St.George, Secretariat,
Chennai 600 009.
- 2.The Vigilance Commissioner,
Vigilance & Anti Corruption,
Fort. St.George, Secretariat,
Chennai 600 009.
- 3.The Director of Vigilance and Anti Corruption,
Directorate,
No.293, M.K.N.Salai, Alandur,
Chennai 600 016.
- 4.The Additional Chief Secretary to Government,
Revenue Department,
Fort. St.George, Secretariat,
Chennai 600 009.
- 5.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
- 6.The District Collector,
Collectorate,
Nagapattinam District,
Nagapattinam 611 003.
- 7.Tmt.M.Indumathi, B.E.,
District Collector, (Incharge)
Nagapattinam 611 001.

8. The Commissioner of Revenue Administration

PWD Estate, Chepauk

Chennai 600 005.

.. Respondents

(R-8 suo motu impleaded vide order of
the Court dated 17.9.2020 in

WP No.457/2020)

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari, calling for the records from the 7th Respondent in proceedings Na.Ka.No.17503/2017 A1 dated 29/11/2019 and quash the same as illegal, invalid and contrary in law.

For Petitioner : Ms.Malarvizhi

For Respondents: Mr. A.N.Thambidurai, Spl.G.P. For R1
: for R2

ORDER

This Writ petition has been filed by the writ petitioner, to call for the records from the 7th Respondent in proceedings Na.Ka.No.17503/2017 A1 dated 29/11/2019 and quash the same as illegal, invalid and contrary in law.

2.On instructions from the client, who was personally available with the learned counsel throughout the Virtual Court proceedings, learned counsel appearing for the petitioner place her submissions before the Court.

3.It is submitted by the learned counsel for the petitioner that on an earlier occasion the petitioner had filed W.P.No.44173/2016 before this Court with regard to the arrears of salary on retrospective promotion; however this Court by its order dated 02.01.2017 passed a direction to the 3rd respondent to consider and dispose of the petitioner's representations dated 01.09.2016 and 21.11.2016 respectively, on merits and in accordance with law. In compliance of that order the respondents passed the impugned order on 29.11.2019 rejecting the representation of the petitioner for regularising the suspension period as duty period and treated the said period as leave on loss of pay. Further, the petitioner has been permitted to file appeal against the said order, if aggrieved. Against the said order the present petition has been filed.

4.Learned counsel appearing for the petitioner submits that as on date no appeal has been filed by the petitioner, however, in view of the availability of alternative remedy, this Court may permit the petitioner to file an appeal before the appellate authority, viz., the the Commissioner of Revenue Administration, who may be directed to dispose of the said appeal within a period fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents submitted that the appellate authority, viz., the Commissioner of Revenue Administration is not a party in the writ petition and, therefore, this court may, suo motu, implead the Commissioner of Revenue Administration as party respondent and direction may be issued to dispose of the appeal, if any filed by the petitioner, within a particular time frame.

6. In the light of the fair stand taken by the learned counsel on either side, this Court, without going into the merits of the issue, while impleads the Commissioner of Revenue Administration, Chennai, as party respondent in this writ petition, permits the petitioner to file an appeal against the order impugned herein before the Commissioner of Revenue Administration/8th respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said appeal, the Commissioner of Revenue Administration/8th respondent is directed to pass orders on the said appeal in accordance with law within a period of three months thereafter.

7. This Writ petition is disposed of in the above terms. Consequently connected miscellaneous petitions are closed. However there shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

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Chennai 600 009.

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5.The Additional Chief Secretary/
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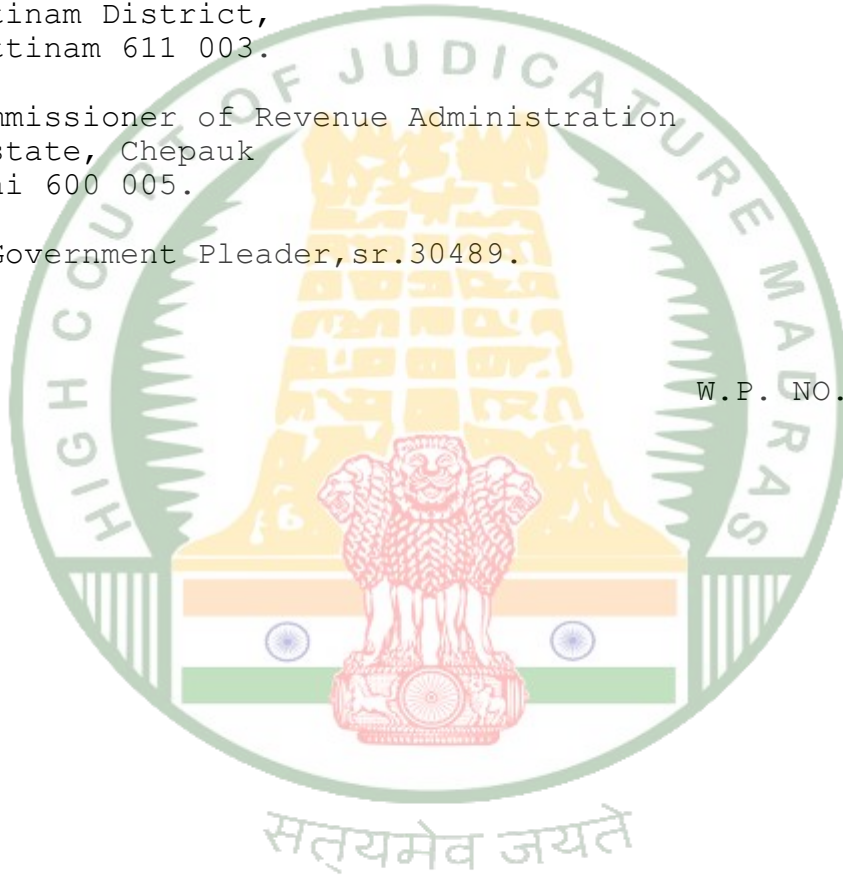
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Nagapattinam 611 003.

7. The Commissioner of Revenue Administration
PWD Estate, Chepauk
Chennai 600 005.

+1 cc to Government Pleader,sr.30489.

Rsv(co)
krd 29/10

W.P. NO.457 OF 2020



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