

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

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THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No. 12542 of 2007

T. Jayaraj

..Petitioner

Vs

1.The State of Tamil Nadu
Rep.by the Secretary to Government,
Revenue Department,
Secretariat, Chennai -9.

2. The Principal Commissioner &
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai -15.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the respondents 2 and 1 in connection with the orders passed by them in Rc.No.A3/83796/92, dated 30.08.93 and G.O.Ms.No. (10) No. 259, dated 06.05.1996 and G.O. (ID) No. 34 dated 24.01.2001 and quash the same and direct the respondents to reinstate the petitioner in service with all monetary and service benefits.

For Petitioner : M/s.P.Brindha

For Respondents : Mr.P.Chinnadurai, AGP

O R D E R

The prayer sought for in the writ petition is to calling for the records on the file of the respondents 2 and 1 in connection with the orders passed by them in Rc.No.A3/83796/92, dated 30.08.93 and G.O.Ms.No. (10) No. 259, dated 06.05.1996 and G.O. (ID) No. 34 dated 24.01.2001 and quash the same and direct the respondents to reinstate the petitioner in service with all monetary and service benefits.

2. Originally the petitioner herein has filed an Original

Application in O.A. No.3451 of 2003 before the State Administrative Tribunal. Due to abolition of State Administrative Tribunal, this Original Application was transferred to this Court and converted as Writ Petition and renumbered as W.P. No. 12542 of 2007.

3. When the matter taken up for hearing on 12.10.2020, there was no representation for the petitioner, hence the matter is directed to be posted today for final disposal. Today also none appeared on behalf of the petitioner. Heard the learned Additional Government Pleader and perused the records.

4. Brief facts of the case:

The petitioner was appointed as Village Administrative Officer through TNPSC in the year 1984. While working as Village Administrative Officer in Koovalapuram Village, Madurai District, the petitioner along with the Village Assistant namely Muniyandi were issued charge memo for the allegations of demanding and accepting bribe. Subsequently, not being satisfied with the explanation submitted by them, an enquiry officer was appointed. The enquiry officer after examining the 8 prosecution witnesses PW1 to PW8 and 14 Prosecution Exhibits (Ex.P1 to Ex.P14) and 9 Material Objects (M.O.1 to M.O.9), and based on the oral and documentary evidence, had arrived at the conclusion that the charges leveled against the petitioner are proved and the enquiry report was also filed before the Disciplinary Authority. The Disciplinary Authority after scrutinizing the enquiry report, awarded punishment of removal from service to the petitioner. Challenging the same, the present writ petition is filed.

5. The Learned Additional Government Pleader submitted that the petitioner while working as Village Administrative Officer in Koovalapuram Village, Madurai District, he along with other two Village Assistants namely., Kaliappan and Alagumalai were placed on defence before the Commissioner for Disciplinary Proceedings, Madurai Region at Chennai, for the allegations of Corruption and malpractices. Charges were framed against the petitioner and other two Village Assistants and show cause notice was also issued under Rule 10(b) of Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules 1955. After hearing the arguments and examining the witnesses, the tribunal held the charges as proved.

6. The Learned Additional Government Pleader further submitted that allegation against the petitioner (viz.,) demand and acceptance of of illegal gratification is serious in nature. The contention of the petitioner that the amount given as bribe was not on demand but voluntary was not supported by any

evidence. Hence, the charges levelled against the petitioner were proved and subsequently he was dismissed from service vide proceedings in Proc.A3/83796/92, dated 30.08.1993 issued by the Principal Commissioner and Commissioner of Revenue Administration. The other two officers were also dismissed from service. The subsequent appeal preferred by the petitioner before the Government was also rejected on the ground that the punishment awarded was not greater than the mistakes committed by the petitioner and other two officials. Hence the findings of the authorities concerned and the punishment awarded to the petitioner does not require any interference by this Court.

7. A careful perusal of entire records reveal that the charges levelled against the petitioner for accepting bribe is proved. Being a Government servant receiving any monetary benefit other than the benefit of legal remuneration is prohibited and the same is against the law. The petitioner himself had admitted that he received money from PW1, whereas in the explanation submitted by him, he has stated that the PW1 had voluntarily gave money to him to give the same to the Revenue Inspector. The said statement of the petitioner is not acceptable, as he knowingly accepted the bribe amount and handled the amount. If he has no part in this exercise, he should have simply directed the PW1 to give the money directly to the Revenue Inspector. Whether it is voluntary or on demand, accepting money for sending any report to the higher official is illegal. In the absence of the any documentary evidence to prove the claim of the petitioner, the findings of the Disciplinary Authority and the Appointing Authority that the petitioner was guilty of the charge is acceptable and this Court does not find any merits to interfere with the orders passed by the Appointing Authority.

In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2. The Principal Commissioner &
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai -15.

+1cc to the Government Pleader, S.R.No. 36731

W.P.No. 12542 of 2007

NRL (CO)
GN (22/12/2020)



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