

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 16710 of 2007
(O.A.No.3193 of 2003)

Kumaresan

...Petitioner

Versus

1. The Secretary to Government,
Revenue Dept,
Fort St George,
Chennai - 9

2. The District Collector,
Trichy District.

...Respondents

PRAYER: Originally this petition has been filed as Original Application No.3193 of 2003 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16710 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in connection with the impugned order passed by him in letter No.46990/SOR/1/2/2001/18 dated 03.10.2002 and quash the same and further direct the respondents to promote the applicant as Dy Collector without reference to the pending disciplinary proceedings and grant him all consequential service and monetary benefits and grant him such other further relief as this Hon'ble Court may deem fit.

For Petitioner : No appearance
For Respondents : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

The case of the petitioner is that he joined as Lower Division Clerk in the year 1965 at Trichy Revenue Department. Subsequently, he was promoted as Upper Division Clerk in the year 1973 and thereafter he was promoted as Deputy Tasildhar in

the year 1984 and subsequently, promoted as Tasildhar in the year 1994. Thereafter, he is due to be promoted as Deputy Collector in the panel of the year 1999-2000 but due to the pending disciplinary proceedings, his promotion was deferred, while he was serving as Headquarters Deputy Tasildhar, during the year 1993-95. During that relevant period of time, loans have been sanctioned in various states to Ceylon refugees for the construction of houses. The petitioner neither inspected the site, nor inspected the stage of the construction nor recommended for sanction of payment of installments to the beneficiaries who availed the benefit from the Government. The field inspection was made by Special Tasildhar, (Refugee Camp) Trichy and the loan sanctioning authority was the Revenue Division Officer. Hence, the petitioner has no role to play either for inspection or recommending the sanction of the loan. The petitioner further states that not only housing loan but also business loan was sanctioned to number of Ceylon Refugees. Thereafter a charge memo was issued on 8.5.99. Thereafter an enquiry officer was appointed on 21.2.02. Due to pending disciplinary proceedings, the petitioner's name was not included in the panel and the same was deferred for the year 1999-2000 was published on 27.9.2000.

2. It is further averred in the petition that in the successive panel for the year 2000-01 the name of the petitioner was again deferred and the same was communicated by the respondent in his letter dated 30.10.02 which is impugned in this petition. The petitioner filed Original Application before this Court in O.A.No.1395/2002 and the same was disposed on 22.4.03. Hence the present petition filed challenging the order passed by the respondent 03.10.2002 and seeking to quash the same and for a direction to the respondent to promote the petitioner as Deputy Collector without reference to the pending disciplinary proceedings and grant him all consequential service and monetary benefits.

3. There was no representation for the petitioner despite sufficient opportunity given.

4. The learned Additional Government Pleader would submit that at the relevant point of time, a charge memo was issued and the same was pending. Therefore, his name could not be considered for promotion and not included in the promotion list 1999-2000 and 2000-2001. Since charge memo was pending, his juniors were promoted. Therefore, during the pendency of the charge memo, as per the Government Rules, he is not eligible for promotion. Therefore, his name was not considered in the panel and there is no merit in the Writ Petition and it is liable to be dismissed.

5. Heard and perused the records available on record.

6. Admittedly, the petitioner was working as a Special Tasildhar (Mines) at Assistant Director of Mines and Minerals, Trichy District and he was due to be promoted as Deputy Tasildhar in the panel list prepared in the year 1999-2000 and a further perusal of the records shows that during the relevant point of time, a charge memo was pending against the petitioner. Therefore, his name was not considered in the panel of the year 1999-2000 and 2000-2001. As a matter of fact, the petitioner was served with the charge memo and it is not disputed.

7. Considering the facts and circumstances of the case and during the relevant point of time, a charge memo was pending against the petitioner and his name was not considered for Deputy Tahsildhar post and therefore, no interference is required in the impugned order and this court finds no merit in the Writ Petition and the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy//

Sub Assistant Registrar

mpa

To

1. The Secretary to Government,
Revenue Dept,
Fort St George,
Chennai - 9

2. The District Collector,
Trichy District.

+1cc to Government Pleader, SR.No.37147

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SR(CO)
KKV/14/12/2020