

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No.17333 of 2007

V.Murugan

..Petitioner

Vs

The Tahsildar,
Verakeralampudhur
Tirunelveli District,
Tirunelveli.

..Respondent

Prayer: Writ Petition is filed for writ of certiorarified mandamus, calling for the records pertaining to order bearing No.1/20003 dated 10.11.2003 of the respondent herein and quash the same and further direct the respondent to reinstate the applicant in service with all consequential benefits such as arrears of pay, revision of pay scale, service benefits etc., and pass such further or other orders.

For Petitioner : No Appearance

For Respondent : Mr.P.Chinnadurai, AGP

O R D E R

The prayer sought for in the writ petition is to call for the records pertaining to order bearing No.1/20003 dated 10.11.2003 of the respondent herein and quash the same and further direct the respondent to reinstate the applicant in service with all consequential benefits such as arrears of pay, revision of pay scale, service benefits etc.,

2. Originally the petitioner has sought for relief before the State Administrative Tribunal in O.A.No. 3808 of 2003. Due to abolition of State Administrative Tribunal, the matter was transferred to the High Court and converted into writ petition and renumbered as W.P. No.17333 of 2007.

Page numbers

3. When the matter came up for hearing on 15.10.2020, the learned counsel for the petitioner seeks time to get instructions, hence at request of the petitioner, the matter is listed today. Today there was no representation for the petitioner. Mr.P.Chinnadurai, learned Additional Government Pleader for the respondent is present. Taking note of the fact that the case is pending for more than 17 years, this Court is inclined to pass orders by perusing the materials available on record and the arguments of the learned Additional Government Pleader.

4. Brief facts of the case is that the petitioner was initially appointed as Village Assistant at Uthumalai Village, Veerakeralampudur Taluk. While the applicant was working as Village Assistant at Melamaruthappapuram Village, on 03.12.2002 he was placed under suspension on the ground that the enquiry into grave charges against the applicant is contemplated with regard to misuse of his official capacity while he was working as Village Assistant at Uthumalai Village and made some entries in village records at Uthumalai Village without any proper authority. Subsequently on 10.01.2003, the Appointing Authority/the respondent herein had passed an order of dismissal from service. Challenging the same, the present writ petition is filed.

5. The learned Additional Government Pleader would submit that the petitioner while working as Village Assistant at Uthumalai Village, he had committed misconduct, hence the Tahsildar, Veerakeralampudur had issued a charge memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules. Totally four charges were leveled against the petitioner. Since the explanation submitted by the petitioner was not satisfactory, the enquiry officer found that the charges levelled against the petitioner were proved and the Appointing Authority has also, based on the materials, came to the conclusion that the charges framed against the petitioner are proved and passed the impugned order of removal of service. Therefore, the impugned order passed by the Appointing Authority is proper and does not require any interference by this Court.

6. Admittedly, the petitioner while working as Village Assistant at Uthumalai Village, Veerakeralampudur Taluk, a charge memo was served on him and the following charges were framed against the petitioner;

Charge No.1: The applicant made entries in the Adangal extract pertains to Survey No. 391/24 by incorporating the

Page numbers

name of S.Shanmuga Ayya, S.Mani, V.Murugan and V.Ravichandran and the hand writing contained in the Adangal extract lying in District Collector's Office varies from the Village records and hence the applicant forged the village records.

Charge No.2: Prior to the appointment of the applicant as Village Assistant, on 19.01.1985 the applicant made a declaration before the Revenue Inspector that he belong to Hindu Arunthadiyar and he is already married to one Rajalakshmi and having a son aged about two years by name Raj Kumar for getting house site patta in Survey No. 391/1 of Uthamalai Village, eventhough he was not married in the year 1985.

Charge No.3 : While applying for the post of Village Assistant in the year 1987 he stated that he belong to Hindu Yadava. However in 1993 he obtained a community certificate that he belong to Hindu Arunthadiyar by which he has committed fraud.

Charge No.4: The applicant in his own hand writing deleted one Muthusamy Nadar and insertd one Philip Muthusamy and Thangapandi Nadar in the 10(1) record of the Village in Patta No. 1242 by creating a bogus S.R.P.T No. 1385/87-88723/87-88.

7. Based on the above charges, departmental enquiry was conducted by the enquiry officer. Subsequently, the findings of the enquiry officer's report was placed before the Appointing Authority/respondent herein and the appointing authority had also found that the charges levelled against the petitioner are proved and passed order of punishment dated 10.11.2003 removing the petitioner from service. It is clearly stated in the impugned order that only after affording due opportunity to the petitioner to peruse the required documents, the impugned order came to be passed.

8. A perusal of records clearly proves that the petitioner being a Village Assistant had committed a grave misconduct by forging the Government records, which has to be strictly viewed and punished as per Tamil Nadu Civil Services (Discipline & Appeal) Rules. Since, the enquiry report and the order of punishment issued by the respondent herein are issued after due process of law and thorough enquiry based on the materials and evidence, this Court find no reason to interference with the impugned order passed by the respondent.

Page numbers

9. In the result, the writ petition is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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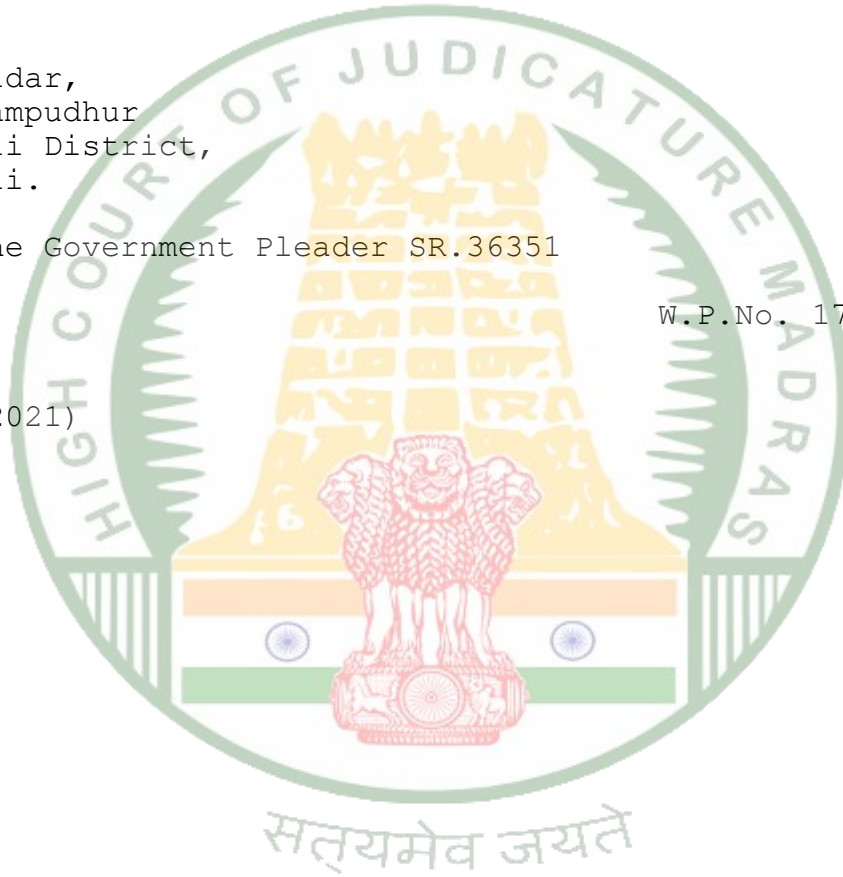
To

The Tahsildar,
Verakeralampudhur
Tirunelveli District,
Tirunelveli.

+lcc to the Government Pleader SR.36351

W.P.No. 17333 of 2007

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Page numbers