

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.17752 of 2007
(O.A.No.1979 of 2004)

N.Vairavel
Village Administrative Officer (under dismissal)
Chettipalayam,
Thirupur Taluk,
Coimbatore District.

... Petitioner/Applicant

Vs.

District Collector,
Coimbatore District,
Coimbatore.

... Respondent/Respondent

PRAYER : Originally this application has been filed as Original Application No.1979 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, application has been transferred and re-numbered as W.P.No.17752 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 relating to impugned order Roc.No.51930/2003/A-4 dated 07.04.2004 passed by the respondent and quash the same as illegal, arbitrary, colorful exercise of power and an act of victimization, biased and unsustainable in the eyes of law, consequently direct the respondent to reinstate the applicant with retrospective effect with all attendant benefits.

For Petitioner : Mr.K.N.Natraj
No appearance

For Respondent : Mr.K.Magesh,
Special Government Pleader

ORDER

This Writ Petition has been filed calling for the records of the impugned order passed by the respondent in Roc.No.51930/2003/A-4 dated 07.04.2004 and quash the same as illegal, arbitrary, colorful exercise of power and an act of victimization, biased and unsustainable in the eyes of law,

consequently direct the respondent to reinstate the applicant with retrospective effect with all attendant benefits.

2. Despite giving sufficient opportunity, there is no representation on behalf of the petitioner.

3. The petitioner was appointed as Village Administrative Officer in the year 1984. While he was working as V.A.O., a charge memo was issued against him by the Principal Commissioner and Commissioner for Revenue Administration for the alleged offence of deleting the name of Temple from the patta. Thereafter, an inquiry was conducted, the punishment of removal from service has been imposed and challenging the same, he filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai in O.A.No.1979 of 2004 but due to abolition of the Tribunal, the matter was transferred to this Court and renumbered as W.P.No.17752 of 2007. The petitioner preferred an appeal before the Special Commissioner and Commissioner of Revenue Administration but without waiting for the result, had filed the original application for the same.

4. Heard the learned Special Government Pleader appearing for the respondent.

5. The learned Special Government Pleader would submit that the properties belonged to the temple and the petitioner had created false documents and issued pattas in favour of the private persons. As the petitioner misused his powers by creating forged documents and granted pattas in favour of the private persons, he is not a fit person to continue as Government servant. Therefore, the inquiry was conducted and he was imposed with punishment of dismissal from service. Though, he has not challenged the order before Appellate Authority and filed the Original Application, the inquiry was conducted in fair manner and all the charges leveled against the petitioner were proved, therefore, there is no merit in the present Writ Petition.

6. On a perusal of the records, it is found that the property belonged to the temple and the petitioner (V.A.O.), issued pattas in favour of the individuals and therefore, a charge memo was issued against him. Subsequently, the inquiry was conducted and the Enquiry Officer filed the enquiry report before the Disciplinary Authority. In view of the entire facts and materials and also the explanation submitted by the petitioner, the petitioner was imposed with the punishment of removal from service. Considering the facts that the petitioner was working as V.A.O. and while he was in service, a charge memo was issued against for the serious allegations. The petitioner had raised one of the ground that the Tahsildar was involved in

the same and it was his orders that he followed for which the learned Special Government Pleader would submit that there is no records to show that the Tahsildar created all the documents. However, he is retired from service.

7. Therefore, considering the grave nature of allegations leveled against the petitioner, the findings given by the Enquiry Officer and also the decision rendered by the authority, this Court does not find any perversity in the order passed by the Disciplinary Authority and merit in this writ petition and there was no violation of principles of natural justice. Accordingly, the Writ Petition stands dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The District Collector,
Coimbatore District,
Coimbatore.

+1 CC to The Government Pleader sr 37775.

W.P.No.17752 of 2007

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