

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.27943 of 2006
and M.P.Nos.1 & 2 of 2006

R.Chinnannan

... Petitioner

Vs.

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

2.The District Revenue Officer,
Salem District.

3.The Revenue Divisional Officer,
Mettur, Salem District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the Proceedings No. Na.Ka.No.10203/2004(E), dated 27.07.2006 issued by the third respondent and quash the same.

For Petitioner : No appearance

For Respondents: Mr.K.Magesh

सत्यमेव जयते
Special Government Pleader

ORDER

This Writ Petition has been filed calling for the records of the proceedings of the Revenue Divisional Officer, Mettur, Salem District in Na.Ka.No.10203/2004(E), dated 27.07.2006 and quash the same as illegal.

2. When the matter is taken up for hearing today, there is no representation on behalf of the petitioner.

3. The case of the petitioner is that he was working as Village Administrative Officer (V.A.O.) in Thathayangarpatti village. While he was in service, a charge memo was issued on 28.08.2003 for alleging irregularities in the grant of pattas in favour of the private persons with regard to Poramboke land. Thereafter, the inquiry was conducted and the charges were proved for which the punishment of stoppage of increment for one year with cumulative effect was imposed on 21.10.2003. Further, a fresh charge memo was issued and 11 charges were framed and the same were proved. With regard to the same, the order of dismissal of service of the petitioner was passed on 27.07.2006. Challenging the said order, the present writ petition has been filed before this Court.

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

5. Learned Special Government Pleader would submit that the earlier punishment charges were found to be serious in nature as the land for which the pattas were granted was a Poramboke land and the petitioner has no right to issue a patta for the Poramboke land to the private persons.

6. Admittedly, the petitioner has not filed the appeal within a period of 60 days from the date of the order of dismissal. The petitioner ought to have filed the appeal before the Appellate Authority. Further, the petitioner was not invoking the power of appellate jurisdiction and filed the petition challenging the order of dismissal passed by the Disciplinary Authority, without stating that already the punishment of stoppage of increment was imposed on him. Therefore, under these circumstances, inquiries were conducted and the charges leveled against him were proved and the punishment of dismissal from service was imposed.

7. On a perusal of the records, this Court finds that all the charges leveled against the petitioner were proved and the persons who are working as V.A.O., the custodian of the Government land, have given the custody of the lands to the private persons, therefore, the petitioner does not deserve to work in the Government post. Under these circumstances, this Court finds that the petitioner did not avail the remedy of statutory appeal before the Appellate Authority within a period of 60 days from the date of receipt of the punishment order and further, he invoked this Court's jurisdiction under Article 226 of the Constitution of India without revealing the necessary facts.

8. Considering the grave in nature of allegations leveled by the Department, punishment of dismissal from service, is not disproportionate to the proven charges. Therefore, this Court does not find any merit in this writ petition and the same is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 9.
 - 2.The District Revenue Officer,
Salem District.
 - 3.The Revenue Divisional Officer,
Mettur, Salem District.
- +1 CC to The Government Pleader sr 37775.

W.P.No.27943 of 2006

VSNI (CO)
SP(05/01/2021)

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