

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.44953 of 2006

S.David Jayaraj

...Petitioner

-Vs-

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.
 2. The Special Commissioner and
Commissioner for Revenue Administration
Chepauk, Chennai-600 005.
 3. The District Revenue Officer,
Tirunelveli.
 4. The Revenue Divisional Officer/Sub-Collector,
Cheranmahadevi Taluk,
Tirunelveli.
-Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the order bearing Na.Ka.No.A5/915/99 dt. 20.07.2002 of the fourth respondent as confirmed by the order bearing Na.Ka.No.A1.82345/2002 dt.20.06.2003 of the third respondent and the order bearing letter No.E5(3)/20033/2004 dt.28.05.2004 of the second respondent and quash the same with all consequential benefits.

For Petitioner : No appearance
For Respondents: Mr.K.Magesh (R1 to R4)
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order of the fourth respondent dated 20.07.2002 in Na.Ka.No.A5/915/99 as confirmed by the order dated 20.06.2003 bearing Na.Ka.No.

A1.82345/2002 of the third respondent and the order bearing letter No.E5(3)/20033/2004 dt.28.05.2004 of the second respondent and quash the same with all consequential benefits.

2. There is no representation on behalf of the petitioner, despite the name of the petitioner being printed in the cause list.

3. The learned Special Government Pleader would submit that while the petitioner was working as Village Administrative Officer in Cherankovilpathu Village, he gave a wrong report regarding the ownership of the lands situated at Survey No.53/2 of Cherankovilpathu Village and based on which, award was passed in the name of wrong persons. Subsequently it was found that petitioner has not conducted appropriate enquiry. Therefore disciplinary action was taken against the petitioner. Initially, Charge Memo was served and later on enquiry was conducted and enquiry officer found that all the charges levelled against the petitioner were proved. Therefore, the petitioner was imposed with the punishment of stoppage of two increments without cumulative effect. Challenging the said order, the petitioner filed an appeal before the District Revenue Officer, Tirunelveli. The District Revenue Officer, Tirunelveli also dismissed the Appeal and confirmed the order of the enquiry officer vide proceedings dated 20.06.2003, as against which the petitioner filed a revision before the second respondent and the second respondent also rejected the revision vide proceedings dated 28.05.2004. Being aggrieved by the orders passed by the respondents, the petitioner has filed this Writ Petition.

4. Despite several opportunities being given to the petitioner, the petitioner has not appeared and further this writ petition is pending from 2006.

5. A perusal of the records would go to show that admittedly while the petitioner was working as Village Administrative Officer in Cherankovilpathu Village, he gave a wrong report regarding the ownership of the lands situated at Survey No.53/2 of Cherankovilpathu Village and based on which, award was passed in the name of wrong persons, for which Charge Memo was issued and being not satisfied with the reply, he was called for enquiry and enquiry officer was appointed. After due enquiry all the charges levelled against the petitioner were proved and therefore he was awarded with the punishment of stoppage of two increments without cumulative effect vide order dated 20.07.2002 passed by the fourth respondent. The appellate authority as well as the revisional authority also confirmed the said order.

6. In view of the above, it is clear that due to negligence on the part of the petitioner in performing his duty and therefore he was imposed with the punishment of stoppage of two increments without cumulative effect. Therefore, there is no merit in this writ petition and the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Revenue Department
Fort St. George, Chennai-600 009.
2. The Special Commissioner and
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4. The Revenue Divisional Officer/Sub-Collector,
Cheranmahadevi Taluk,
Tirunelveli.

+1cc to the Government Pleader, S.R.No.35447

mg (co)
rr ii (09/10/2020)

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