

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18126 of 2014

C.Jayaprakash ... Petitioner

Vs.

1.The District Revenue Officer,
Coimbatore.

2.The Sub-Collector,
Pollachi,
Coimbatore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to order in Pro.Na.Ka.No.4504/2010/A4 dated 27.01.2014 and to quash the same and issue consequential directions to the respondents to reinstate the petitioner into service and permit him to retire from service on 31.05.2007 in the normal course with all pensionary and retirement benefits and also to regularize the period of suspension from 28.07.1984 to 31.05.2007 as duty for all purposes and disburse all consequential monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Thangavel

Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent relating to order in Pro.Na.Ka.No.4504/2010/A4 dated 27.01.2014 and to quash the same and to issue consequential directions to the respondents to reinstate the petitioner into service and permit him to retire from service on 31.05.2007 in the normal course with all pensionary and retirement benefits and also to regularize the period of suspension from 28.07.1984 to 31.05.2007 as duty for all purposes and to disburse all consequential monetary benefits.

2.The case of the petitioner is that the petitioner was initially appointed as Village Administrative Officer on 11.08.1982. While the petitioner was serving as Village Administrative Officer, Sulakkal Village, Pollachi Taluk, Coimbatore District, he was placed under suspension and charge memo under Rule 17 (b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules alleging misappropriation of Government money collected by way of land revenue and other taxes and belated remittance into Government account.

3.It is the further case of the petitioner that without conducting any enquiry and without considering the explanation submitted by the petitioner, the Sub-Collector, Pollachi, passed order dated 30.04.1985 dismissing the petitioner from service. Aggrieved by the same, the petitioner preferred appeal dated 10.05.1985 to the District Revenue Officer, Coimbatore and since the District Revenue Officer, Coimbatore, informed the petitioner that no order can be passed in the appeal, the petitioner preferred O.A.No.7672 of 1995 before the Tamil Nadu Administrative Tribunal. The Tribunal by order dated 13.12.1995 issued directions to the District Revenue Officer, Coimbatore, to pass orders on the petitioner's appeal.

4.It is the further case of the petitioner that thereafter the District Revenue Officer, Coimbatore, passed orders dated 24.10.1998 on the petitioner's appeal, confirming the order of dismissal dated 30.04.1985. Thereafter, the petitioner preferred O.A.No.5890 of 2000 before the Tamil Nadu Administrative Tribunal against the order dated 24.10.1998 and on abolition of the Tribunal, O.A.No.5890 of 2000 was transferred to the file of this Court and was re-numbered as W.P.No.45291 of 2006. This Court vide order dated 11.11.2010, set aside the order of dismissal and granted liberty to the second

respondent therein to hold enquiry and to decide the matter in accordance with law.

5.It is the further case of the petitioner that even thereafter the District Revenue Officer, Coimbatore, passed orders dated 05.05.2011 confirming the order dated 30.04.1985. Thereafter, the District Collector, Coimbatore vide order dated 23.06.2011 cancelled the order of the District Revenue Officer, Coimbatore, dated 05.05.2011 and issued directions for appointment of Enquiry Officer and for conducting enquiry afresh. Thereafter, the Sub-Collector, Pollachi, vide order dated 06.12.2011 cancelled the order of punishment and reinstated the petitioner into service from the date of dismissal.

6.It is the further case of the petitioner that again by order dated 06.12.2011, the petitioner was placed under suspension with effect from 30.04.1985. The petitioner was also not permitted to retire from service. Aggrieved by the same, the petitioner filed W.P.No.30052 of 2011 before this Court and the said writ petition was dismissed by this Court on 27.09.2012. Thereafter, vide order of the Sub Collector, Pollachi, dated 27.01.2014, the petitioner was once again dismissed from service. Aggrieved by the same, the petitioner preferred appeal

dated 28.03.2014 to the first respondent and since no order was passed on the said appeal, has come forward to file this writ petition.

7.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the first respondent to pass orders on the petitioner's appeal dated 28.03.2014, within a reasonable time frame.

8.The learned Special Government Pleader raise no serious objection for this Court issuing such a direction.

9.In view of the above, this Court directs the first respondent to pass appropriate orders on the petitioner's appeal dated 28.03.2014, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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M.DHANDAPANI,J.
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To

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Coimbatore.
- 2.The Sub-Collector,
Pollachi,
Coimbatore District.



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