IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.27915 OF 2008

T.R.Govindaraju ...Petitioner

Vs.

1. The District Collector
   Dharmapuri District
   Dharmapuri.

2. The District Revenue Officer
   Dharmapuri. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the second respondent relating to Na.Ka.No.49721/06/A3 dated 05.07.2007 and to quash the same, and issue consequential direction to the second respondent to include the name of the petitioner in the panel of Deputy Tahsildar for the year 2006-2007 in Dharmapuri District, approved in ROC No.57301/2006/A2 dated 14.02.2007 and consequently promote him as Deputy Tahsildar with retrospective effect from the date of promotion of his immediate junior with all consequential benefits.

For Petitioner : Mr.S.Vijayakumar
For Respondents : Mr.C.Selvaraj
Government Advocate (Civil Side)

O R D E R

The petitioner, while working as Assistant at the office of the Tahsildar, Pappireddipatty Taluk, was issued with a charge memo in Na.Ka.No.49721/2006/A3 dated 05.07.2007 for certain lapses committed by him, while he was serving as Assistant in District Collector's Office at Dharmapuri.

2.The gravamen of the charge is that he failed to submit the Personal Registers for inspection for the year 2005-2006. The petitioner submitted his explanation that the post of

Personal Assistant (Accounts) to the District Collector was vacant from 1/2005 to 6/2006 and hence, he could not submit the Personal Registers for inspection. Besides this, he was discharging the functions of disbursing loans, release of documents, calculating the interest and reconciliation work. Apart from that, he has done budgeting, evaluation and surrender proposal works and therefore, he could not submit the Personal Registers. An Enquiry Officer was appointed and after enquiry, the punishment of stoppage of increment for a period of two years without cumulative effect was imposed on him. Against which, the petitioner has preferred the writ petition.

3.Heard the submissions made on either side and perused the materials available on record.

4.At the outset, it is to be noted that the punishment order dated 05.07.2007 specifically provides for appeal to the Special Commissioner, Revenue Administration within 60 days. Even though it is stated by the petitioner that he has preferred an appeal, has not waited for the result, but rushed to this Court, without completely exhausting the appeal remedy.

5.Part - I, Clause 20(2) of the District Office Manual specifies about the Personal Registers to be maintained by each Clerk. As per Clause 30 of Section 7 under Part - I of the District Office Manual, as soon as the Clerks who are to deal with the papers received by them, they will register them at once in the Personal Registers (Form II, Appendix B) unless as specified under paragraph 31, they should not be registered. Any delay or neglect in this matter is a very serious dereliction of duty and will be punished with corresponding severity.

6.This Court directed the learned Government Advocate (Civil Side) to produce all the Personal Registers of the petitioner as well as his Colleagues worked during the period 2005-2006. Accordingly, the learned Government Advocate produced the Personal Registers. On a perusal of the same, it is noted that every Government servants working along with the petitioner have submitted the Personal Registers for inspection and that they were periodically inspected. Only in the case of the petitioner, there is no registering of the receipt of the applications and papers.

7.As noted in the District Office Manual, it is mandatory for every Clerk to maintain a Personal Register and to register whatever papers submitted to him and on the subjects dealt with by him. This Court can consider the plea of the petitioner if he had made entries promptly in the Personal Registers, but, it was not placed for inspection as charged by the respondents.

8.In the instant case, the petitioner has not even recorded the petitions or applications or relevant documents received by him on day today basis, even though he was handling the subjects of loans, advances, budgeting, evaluation and surrender proposals and reconciliation. It is the explanation submitted by the petitioner that he had disposed of 60 loan applications and released them after adjustment of principal and interest. All these works must have minimum of 60 entries registered in his Personal Registers. But the Registers relating to the year 2006 discloses no entries were made. Without making entries, there is no meaning in submitting the papers for inspection. A reading of the explanation submitted by the petitioner itself shows that he has not submitted the Personal Registers because of his busy work and due to the vacancy of the posts of Officers to whom he has to submit the papers for inspection.

9.Be that as it may, the resultant position is that he has not submitted the Personal Registers for inspection. It is very relevant to note that the petitioner, on attaining the age of superannuation, had submitted a letter to the Head of the Department that he will not pursue the appeal and withdraw the writ petition filed by him challenging the punishment and also he remitted the dues of Rs.1,450/- and submitted the receipt for the purpose of permitting him to retire from service. Literally, he had waived his right to pursue the writ petition, which is the present one, for the purpose of getting a peaceful retirement. After this, the respondents have been communicating the petitioner for five years for the purpose of getting a withdrawal order to close the file. At that stage, the matter is listed for final hearing.

10.From the facts and circumstances of the case narrated above, it is noted that much water has flown into the Bridge. The petitioner has decided not to pursue the case. Therefore, instead of dwelling into the merits of the matter and the fact remains that no useful purpose will be served by deciding the matter, this Court is inclined to dismiss the writ petition as having become infructuous.

11.Accordingly, the writ petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

TK
To

1. The District Collector
   Dharmapuri District
   Dharmapuri.

2. The District Revenue Officer
   Dharmapuri.

+1 CC to The Government Pleader, Sr.No. 36243.
+1 CC to Mr.S.Vijayakumar, Advocate, Sr.No. 35833.

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KV(CO)
LS(21/09/2021)