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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.4979 of 2009

and

MP.No.2 of 2009

M.Alagirisamy

...Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department, Secretariat,
Chennai-600 009.

2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.

3.The District Collector,
Salem District, Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to Pro.Pd1.37/2008/(A2) dated 28.2.2009 of the third Respondent, (ii) Pro.Pd1.37/2008/(A2) dated 07.11.2008 of the third Respondent to the limited extent of non inclusion of the name of the Petitioner in the approved panel of Deputy Tahsildar of Salem District fit for promotion as Tahsildars for Salem District for the year 2008, quash the same and to consequently direct the Respondents to include the name of the Petitioner in the above said panel in the appropriate place and to consequently promote him as Tahsildar with retrospective effect from the date of promotion of his immediate junior with consequential service and monetary benefits.

For Petitioner : Mr.Balakrishnan
for Mr.M.Ravi

For Respondents : Mr.C.Selvaraj
Government Advocate



ORDER

The petitioner has challenged orders dated 07.11.2008 and 28.02.2009. Order dated 07.11.2008 is a notification approving and including the names of nine Deputy Tahsildars for inclusion in the regular list of Tahsildars for Salem District for the year 2008. The grievance of the petitioner is that his name does not figure therein. Likewise order dated 28.02.2009 conveys that the names of four Deputy Tahsildars including the petitioner listed as serial no.4 were taken up for inclusion in the approved list of Tahsildar but the inclusions stood deferred on account of the pendency of disciplinary proceedings as against them. The communication states that the names would be considered for inclusion in future subject to the result of the disciplinary proceedings being in their favour.

2. Admittedly, two charges have been framed as against the petitioner. Charge Memo in Lr No.7612/ser 2[1]/2007-5, Revenue Department dated 13.12.2007 and Charge Memo in Ser. 2 [1]/70818/2007-3, Revenue Department dated 18.09.2008 and thus proceedings in regard to both aforesaid charges were pending at the time when the panel in 2008 was being constituted. Thus, I find no infirmity in the impugned orders for non-inclusion of the petitioners' name in the panel on the ground of pending disciplinary proceedings. It is found to be in order.

3. Learned counsel for the petitioner would rely upon a Circular bearing No.1/68940/96 dated 31.10.1996 issued by the Principal Commissioner of Revenue Administration. In paragraph 3 thereof, R2 states that disciplinary proceedings must be timely in nature as otherwise the employee in question would have to face grave prejudice by virtue of delayed and protracted proceedings as against them. He would attempt to advance some submissions on the merits of charges themselves.

4. Since the challenge in the present matters are not to the charge memos themselves but only to the exclusion of petitioner from the two panels drawn for the post of Tahsildar for 2008 and 2009, I am not inclined to look into the veracity or otherwise of the charges.

5. Mr.Selvaraj, would state that in time, disciplinary proceedings have been concluded adverse to the petitioner. However, this is only an oral submission and no written instructions or any orders adverse to the petitioner are placed before me. De hors, in the light of the discussion as aforesaid and since there is no legal infirmity in the impugned orders,



this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai-600 009.
- 2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.
- 3.The District Collector,
Salem District, Salem.

+1CC to The Government Pleader, SR.No. 46523

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and
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LN(CO)
B.VC (06/10/2021)