

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4628 of 2021

D.Yamuna

... Petitioner

Vs.

1. The District Collector,
Tirupathur District,
Tirupathur.
 2. The District Revenue Officer,
Tirupathur District,
Tirupathur.
 3. The Tahsildar,
Tirupathur Taluk,
Tirupathur.
- ... Respondents

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 the impugned proceedings issued by the 2nd Respondent in Na.Ka.No.A2/1679/2019, dated 03.09.2020 and to quash the same and consequently direct the Respondents to restore the Petitioner to the post of Revenue Inspector, based on seniority and eligibility, with all consequential and other attendant benefits, including payment of arrears of salary.

For Petitioner : Mr.A.Maheshnath

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned proceedings issued by the 2nd Respondent vide Na.Ka.No.A2/1679/2019, dated 03.09.2020 and for a consequential direction to the Respondents to restore her to the post of Revenue Inspector, based on seniority and eligibility, with all consequential and other attendant benefits, including payment of arrears of salary.

2. According to the Petitioner, she was issued with a Charge Memo dated 24.12.2019 by the 2nd Respondent/District Revenue Officer, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules on five counts on the premise that, there are instructions in the matter of distribution of 'Accident Relief Fund' to the beneficiaries by transferring the fund in the Account belonging to her relative and that, she handed over the same to the individual concerned.

3. It is further stated by the Petitioner that, on conclusion of enquiry, the Enquiry Officer submitted a Report dated 29.05.2020, against which, the Petitioner submitted a further explanation. Thereafter, the 2nd Respondent issued the impugned order dated 03.09.2020, imposing punishment of reduction in rank, without reference to any period of punishment as referred under F.R.28 and F.R.29, that are mandatory requirements.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Admittedly, the Petitioner herein has got a right of Appeal in terms of Rule 27(3) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. Without preferring an Appeal against the order impugned, the Petitioner ought not to have approached this Court. Hence, this Court is not inclined to interfere with the order impugned in this Writ Petition.

6. It is open to the Petitioner to prefer an Appeal, if not already done, within a period of thirty days from the date of receipt of a copy of this order. On receipt of the Appeal, after giving an opportunity of hearing, either personally or through Video Conferencing, a decision shall be taken by the Appellate Authority within sixty days. In case, the Petitioner does not appear before the Authority concerned, she is at liberty to make Written Submissions within sixty days from the date of receipt of a copy of this order.

7. It is made clear that, if the Petitioner fails to avail this opportunity, she will not be permitted to take a stand at a later point of time that, no opportunity of personal hearing was given to her.

Accordingly, the Writ Petition fails and stands dismissed.
No costs. Consequently, connected W.M.P.Nos.5264 and 5265 of
2021 are closed.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Tirupathur District,
Tirupathur.
2. The District Revenue Officer,
Tirupathur District,
Tirupathur.
3. The Tahsildar,
Tirupathur Taluk,
Tirupathur.

+1cc to Mr.G.Sankaran, Advocate SR.No.12594

+1cc to Government Pleader SR.No.13204

W.P.No.4628 of 2021

JPL(CO)

GMV (05/07/2021)

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