



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD).No.2840 of 2013

B.Kumarasamy

.. Petitioner

Vs.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in G.O.(2D) No.65 Revenue Department, dated 18.02.2009 and quash the same as illegal and consequently direct the respondents to notionally promote the petitioner as Tahsildar in the 2005 Panel itself and grant all attendant, promotional and monetary benefits taking into account from the year 2005 onwards.

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.K.S.Selvaganesan,

Government Advocate

\*\*\*

**O R D E R**

The petitioner has filed the above Writ Petition to quash the impugned order passed by the first respondent in G.O.(2D) No.65 Revenue Department, dated 18.02.2009 and quash the same as illegal and consequently direct the respondents to notionally promote the petitioner as Tahsildar in the Panel prepared in the year 2005 and



grant other consequential benefits.

2.The brief facts which are necessary for the disposal of the writ petition are as follows:

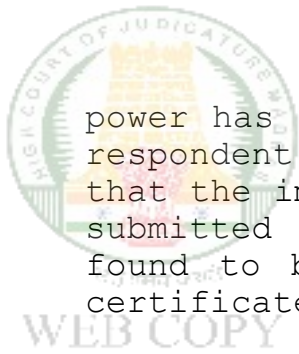
The petitioner joined in the services of the respondent department as Junior Assistant and thereafter, he was promoted as Assistant during the year 1985. Subsequently, he was promoted as Deputy Tahsildar in the year 1997. When the petitioner was working as Deputy Tahsildar, a charge memo, dated 12.04.2004 was issued to him under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charge is that while issuing unclean occupation certificate, the petitioner has not verified the eligibility of the person, to whom he issued such certificate. Since certificates were given to those persons who are not eligible, it is stated that there was a loss to the Government to the tune of Rs.29,550/- by giving scholarship to those who are ineligible students. The other charges are relating to the main charge.

3. One of the charge is also that the petitioner has failed to follow the instructions of the Government to verify at least 10% of the credential of the candidates before issuance of such certificate. It is not in dispute that the Enquiry Officer, found that the petitioner is guilty of charges, after considering the explanation offered by the petitioner. Based on the findings of the Enquiry Officer, the Disciplinary Authority, after giving further opportunity to the petitioner, passed an order inflicting with a punishment of stoppage of increment for one year without cumulative effect. Of course, the Disciplinary Authority came to the conclusion that out of four charges, only three charges have been proved.

4.As against the order of the Disciplinary Authority namely, the third respondent, dated 12.04.2006, the petitioner has preferred an appeal before the second respondent, which was also dismissed by order dated 24.02.2007. Against which, the petitioner preferred a revision / review before the first respondent and the first respondent by the impugned order, dated 18.02.2009, confirmed the order of punishment.

5.The case of the petitioner in the present writ petition is that for the very same set of charges under Rule 17(b), against 30 Officers similarly placed like that of the petitioner and his subordinates, action were initiated and that several other Officers were not given any punishment. Despite the fact that those Officers have admitted their negligence, but paid the alleged loss caused to the Government by way of disbursement of scholarship to the ineligible students, it is stated that no punishment was given.

6.The learned counsel appearing for the petitioner submitted that the selective approach of punishing the petitioner and not punishing out other delinquents clearly shows that the



power has not been properly exercised. It is stated that the third respondent has exercised the power with a malafide intention and that the impugned order is discriminatory. The learned counsel also submitted that the petitioner has also paid the amount which was found to be the loss to the Government, because of issuance of certificate to ineligible students.

7.This Court having regard to the specific findings of the Enquiry Officer and the Disciplinary Authority, is unable to find any irregularity or illegality in the order of punishment. It is stated that the petitioner was instrumental in issuing certificate to 35 persons and that 27 of such certificate are found to be given to ineligible students. The petitioner while discharging his duties as Deputy Tahsildar, is expected to follow the guidelines. It is not disputed that the petitioner has not verified at least 10% of the candidates, who have applied for issuing the unclean occupation certificate. Therefore, from the charges proved against the petitioner, this Court unable to find any reason to reduce the punishment.

8.As regards the issue whether there is any discrimination, this Court also finds that the other two officers who are cited by the petitioner are not similarly placed. Against the two officers who were discharged from the charges, it is found that only two of the certificates issued by them were found defective. Since those officers also caused loss to the Government, upon paying the money which was disbursed to the ineligible students, the District Collector took a lenient view on them. The findings of the Enquiry Officer is based on materials. The charges against the petitioner are proved and that the petitioner is found guilty of dereliction of duty.

9. A perusal of the Enquiry report also indicates that there is no infirmity in the whole proceedings. The submission of the learned counsel appearing for the petitioner citing the proceedings initiated against two other officers cannot be accepted for the reason that the findings against those officers are slightly different. Therefore, this Court is unable to consider the submission of the petitioner's counsel that the petitioner alone is discriminated.

10. The gravity of charges and the extent of dereliction of duty has weighed the mind of the Disciplinary Authority, while imposing the punishment of stoppage of increments for a period of one year without cumulative effect. Since the punishment is nominal, this Court has no reason to interfere with the order of the respondents, imposing punishment on the petitioner. This Court is unable to find any reason to allow this writ petition.



11. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (P&A)

/ /2021

Sub Assistant Registrar(CS)

RM

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

+1 CC to M/s.R.R.KANNAN, Advocate ( SR-25461[F] dated 06/08/2021 )

+1 CC to M/s.GP ( SR-25626[F] dated 09/08/2021 )

ORDER MADE IN  
W.P. (MD) .No.2840 of 2013

06.08.2021