



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13412 of 2021

and

W.M.P(MD) Nos.10369 to 10371 of 2021

WEB COPY

A.Basheer Ahamed

... Petitioner

Vs.

1. The Additional Chief Secretary,
Revenue Department,
Secretariat, Chennai - 5.

2. The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 5.

3. The District Collector,
Dindigul, Dindigul District.

4. The Treasury Officer,
Huzur Treasury,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the Impugned Order of Na.Ka.No.8599/2020/F1, dated 06.07.2020 passed by the third respondent and quash the same.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.A.K.Manikkam

Government Counsel

ORDER

The prayer in this writ petition is for issuance of a writ of certiorari to call for the records pertaining to the impugned order dated 06.07.2020 in Na.Ka.No.8599/2020/F1 and quash the same, passed by the third respondent.

2. According to the petitioner, While he was working as Land Acquisition Officer, the third respondent initiated disciplinary proceedings against him and imposed a punishment of reduction to a lower post and also ordered to recover 1/4th amount of Rs.12,36,395/- with interest from his salary by order dated 11.10.2011 in Na.Ka.No.36394/2009 -1/A1. Challenging the said order, the



petitioner preferred an appeal before the second respondent and the same was allowed and remitted back to the third respondent for fresh disposal. Again the third respondent imposed a punishment of stoppage of increment for two years without cumulative effect and ordered to recover, Rs.4,12,132/- i.e., 1/3rd amount of 12,36,395/- from his salary with interest by order dated 12.04.2016. Aggrieved by the said order, the petitioner preferred an appeal before the second respondent, and the same was confirmed by order dated 24.03.2020. Again aggrieved by the aforesaid order passed by the second respondent, the petitioner preferred a Review Petition dated 18.06.2020 before the first respondent and the same is pending. In the meanwhile, the petitioner filed a Writ Petition in W.P(MD). No.11821 of 2021 before this Court. This Court by order dated 15.07.2021, had directed the first respondent to dispose of the Review Petition within a period of twelve weeks from the date of receipt of a copy of the order. While being so, the third respondent has passed the impugned order in Na.Ka.No.8599/2020/F1, dated 06.07.2020 to recover of Rs.9,66,475/- from the gratuity of the petitioner. Aggrieved by the said order, the petitioner has filed the present Writ Petition.

3. According to the learned counsel for the petitioner, despite the order passed by this Court in W.P.(MD).No.11821 of 2021, the first respondent has not disposed of the said Review Petition pending before him.

4. It is seen that the Government Pleader has not placed any proof or material to show that the final order has been passed in the said Review Petition by the first respondent. In the meantime, the recovery order passed by the 3rd respondent is incorrect and unsustainable. Therefore, this court has no hesitation to interfere with the impugned order passed by the third respondent. Consequently, the impugned order is quashed and liberty is granted to the third respondent, to pass fresh order subject to the outcome of the order passed in the Review application.

5. With the above direction, the Writ Petition is allowed. Consequently the connected Writ Miscellaneous Petitions are closed. No order as to costs

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Additional Chief Secretary,
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2. The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 5.
3. The District Collector,
Dindigul, Dindigul District.
4. The Treasury Officer,
Huzur Treasury,
Dindigul.

+1 CC to M/s.GP (SR-25945[F] dated 11/08/2021)

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RD(1.09.2021) 3P 6C