



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16546 of 2010

H.Narayanappa

...Petitioner

Vs.

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.

2. The Sub Collector,
Hosur, Krishnagiri District.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned order of the 1st respondent in Mu.Mu.No.7033/2007/A4 dated 31.12.2007 and the order of the 2nd respondent in Na.Ka.No.5030/2006(A1) dated 30.11.2006 and quash the said orders and grant all consequential benefits to the petitioner.

For Petitioner : M/s.P.Rajendran

For Respondents: Mr.P.Anand Kumar
Government Advocate

ORDER

This writ petition is filed challenging the order of the 1st Respondent dated 31.12.2007 confirming the order of the 2nd Respondent dated 30.11.2006 primarily on the ground that the 2nd respondent after finding that charges 1, 4 and 5 were held proved and that charges 2 and 3 were not proved, issued an order of stoppage of increment to the petitioner with cumulative effect for a period of 2 years.

2.The learned counsel for the petitioner submitted that the petitioner ought to have been given a reasonable opportunity to explain that the findings of the enquiry officer with regard to charges 1, 4 and 5 were unsustainable. However, the disciplinary authority has proceeded to pass the order without granting the petitioner any opportunity to put forth his case and thus, the order of punishment suffers from violation of principles of natural justice.



3. Aggrieved by the order of the disciplinary authority, an appeal was preferred before the Appellate Authority. It is further submitted by the learned counsel for the petitioner that the order of the Appellate Authority also suffers from violation of principles of natural justice inasmuch as the petitioner has not been provided with reasonable opportunity of hearing and that the same is baseless and perverse.

4. Perusal of the impugned order of the 2nd respondent would indicate that a Revision Application can be filed by the petitioner before the District Revenue Officer within a period of 60 days from the date of receipt of a copy of the order. Therefore, it is only appropriate that the petitioner should exhaust the statutory remedy by way of revision.

5. The learned counsel for the petitioner seeks time to avail the statutory remedy against the order of the Appellate Authority, to which, the counsel for the respondents does not have any serious objection.

6. In view of the above, the petitioner is granted liberty to file a Revision Application in terms of the Tamil Nadu Civil Services (Discipline and Appeal) Rules within a period of 4 weeks from the date of receipt of a copy of this order and the Revisionary authority shall dispose of the same within a period of 12 weeks from the date of filing of the revision application.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mka

To:

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District.

2. The Sub Collector,
Hosur, Krishnagiri District.

+lcc to Mr.P.Rajendran, Advocate, S.R.No.25995

+lcc to the Government Pleader, High Court, Madras, S.R.No.26544
W.P. No.16546 of 2010

CA(CO)

RGA(24/05/2022)