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W.P.(MD)No.8540 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8540 of 2016
and
W.M.P.(MD)No.6861 of 2016

A.Jayapandian

... Petitioner

vs.

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
Revenue Department, Secretariat,
Chennai.
- 2.The Principal Secretary / Commissioner
of Revenue Administration,
Chennai-5.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.



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4.The Tahsildar,
Office of the Tahsildar,
Near Municipal Office,
Vandikkaran Street,
Ramanathapuram (Taluk),
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent in G.O.(2D)No.39, Revenue (Ser 2(1) Department, dated 12.02.2016, served to the petitioner on 22.03.2016 and to quash the same as illegal.

For Petitioner : Mr.A.Jeyaram
For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorari, to quash the impugned order passed by the 1st respondent in G.O.(2D)No.39, Revenue (Ser 2(1) Department, dated 12.02.2016.



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2. The 1st respondent has imposed the punishment of compulsory retirement to the petitioner. The charge against the petitioner is that the petitioner has received bribe. Thereafter, enquiry was conducted and the charges were held proved and the respondents have imposed a punishment of compulsory retirement.

3. The contention of the petitioner is that in the enquiry, it has been stated by the witnesses that some Village Assistants have received bribe amount. However, the witnesses have not mentioned the petitioner's name. Moreover, the petitioner has received the amount on behalf of the Tahsildar. Therefore, the petitioner claims that some lesser punishment may be imposed.

4. The learned Special Government Pleader appearing for the respondents submitted that in the enquiry, one M/s.Mary and M/s.Valli have specifically deposed that they have given money to the petitioner and to the Tahsildar Mr.Natarajan. The petitioner did not cross examine the said witnesses. However,



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the said Nagarajan, Tahsildar had cross examined them. The petitioner has signed the deposition on 29.12.2012. The petitioner has not taken any defence against the said Mary and Valli. In the enquiry, the charge has been held proved. The petitioner has served more than 28 years. After taking all these factors into consideration, the respondents have imposed a punishment of compulsory retirement. In the compulsory retirement also, the respondents in G.O.(3D)No.43, Revenue [Ser 2(1)] Department, dated 21.03.2017, has held that the petitioner is entitled to Rs.2,300/-. However, based on the compulsory retirement only Rs. 250/- was reduced and the petitioner was fixed with pension to the tune of Rs. 2050/-.

5. This Court is of the considered opinion that the respondents have taken a lenient view by imposing compulsory retirement. The petitioner has not raised any legally sustainable grounds. Hence, this Court is inclined to interfere in the order.



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6. At this stage, the learned Special Government Pleader appearing for the respondents submitted that even though the respondents have fixed the pensionary benefits and other fixations, the petitioner is refusing to receive the same stating the pendency of this writ petition. Therefore, the respondents are directed to disburse the pensionary benefits and other benefits within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above said observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes

22.12.2022

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S.SRIMATHY, J

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