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W.P.No.3757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3757 of 2023

P.S.Balamurugan

... Petitioner

Vs.

1.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai – 5.

2.The District Collector,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal petition dated 09.01.2023 thereby restoring seniority of the petitioner to the post of Deputy Tahsildar drawn for the year 2021 in Salem District, in the light of the law laid down by the Hon'ble Division Bench in W.P.No.27386 of 2018 dated 07.02.2019.

For Petitioner : Mr.R.Vijayakumar
Senior Counsel
for M/s.G.Bharadwaj
For Respondents : Mr.E.Sundaram
Government Advocate



W.P.No.3757 of 2023

ORDER

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This writ petition has been filed for the issue of writ of mandamus directing the first respondent to dispose of the appeal petition that was filed by the petitioner on 09.01.2023, wherein, the petitioner is seeking for restoring his seniority to the post of Deputy Tahsildar drawn for the year 2021.

2.The case of the petitioner is that the post of Deputy Tahsildar was drawn in the panel for the year 2017 in Salem District. The second respondent included the name of the petitioner in the panel for the year 2018 instead of 2017 and the petitioner was placed at Sl.No.16 through proceedings dated 06.10.2018. The second respondent thereafter did not draw any panel in the subsequent years till the year 2022.

3.In the meantime, the petitioner was served with a charge memo issued by the second respondent under Rule 17[a] of the Tamil Nadu Civil Supplies [Discipline and Appeal] Rules on 05.03.2021. The petitioner submitted his reply and ultimately, the same ended in a punishment of censure through proceedings dated 08.06.2021.



W.P.No.3757 of 2023

4.The petitioner was aggrieved with this punishment and hence, filed an appeal before the first respondent challenging the punishment. That apart, the petitioner was also aggrieved by the fact that in the panel drawn for the post of Deputy Tahsildar, the name of the petitioner was over looked, since the petitioner was awarded with the punishment of censure. In view of the same, the petitioner made an appeal before the first respondent on 09.01.2023. Since the same was not considered, the present writ petition has been filed before this Court for appropriate directions.

5.Heard R.Vijayakumar, learned Senior Counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the respondents.

6.Taking into consideration the limited relief sought for in this writ petition, there shall be a direction to the first respondent to deal with the appeal petition filed by the petitioner on 09.01.2023, on its own merits and in accordance with law and final order shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make fresh representation to the first respondent along with all relevant documents and also a copy of this order.



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W.P.No.3757 of 2023

N.ANAND VENKATESH, J

sp

7.This Writ Petition is disposed of with the above directions. No costs.

09.02.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

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To

1.The Additional Chief Secretary/
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Chennai – 5.

2.The District Collector,
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W.P.No.3757 of 2023