



W.P.No.15352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15352 of 2023
and
W.M.P.Nos.14892 & 14895 of 2023

V.Kesavan

...Petitioner

Vs

1.The Principal Secretary to Government,
Revenue and Disaster Management
Department, Fort St. George,
Chennai - 600 009.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent herein in No.SER.2(4)/22190/2019-3 dated 10.12.2019 and the Government Letter No.45660/Ser1/2019-7 dated 29.12.2020, insofar as the deferment of the petitioner in the temporary approved list for the year 2019-2020 of Deputy Collector and quash the same and to issue consequential directions to the first



W.P.No.15352 of 2023

respondent herein to include the name of the petitioner in the appropriate place in the approved panel of Deputy Collector for the year 2019-2020 and to promote him as such with retrospective effect from the date of promotion of his immediate junior therein and to grant him all consequential service and monetary benefits within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Prabhakaran,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The charge memo dated 10.12.2019 is put under challenge in the present Writ Petition.

3. The learned counsel for the petitioner submitted that the nature of charges only attracts Rule 17(a) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, since it is only a procedural irregularity.



W.P.No.15352 of 2023

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4. A perusal of the statement of allegations annexed to the charge memo would reveal that the petitioner, while serving as a Tahsildar, had issued permit orders to private individuals to quarry 240 tractor loads of grave soil, which is in violation of the Government Orders and that such permission should be given only to farmers for agricultural and domestic purposes. The nature of the allegations against the petitioner cannot be deemed to be one which would attract Rule 17(a) of the Rules. The issue as to whether Rule 17(a) or 17(b) would be attracted could also be decided after the enquiry is conducted and it would be pre-mature to hold that the charges against the petitioner are minor in nature at this point of time.

5. The charge memo was issued to the petitioner way back on 10.12.2019 and the enquiry is still pending. This Court has taken into consideration the intervening Covid-19 Pandemic and therefore is of the view that if the enquiring authority is called upon to complete the disciplinary proceedings within a stipulated time, the ends of justice could be secured.



W.P.No.15352 of 2023

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6. In the light of the above observations and findings, the Writ Petition stands dismissed. However, there shall be a direction to the District Revenue Officer, Salem District to complete the disciplinary proceedings against the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

02.06.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Principal Secretary to Government,
Revenue and Disaster Management
Department, Fort St. George,
Chennai - 600 009.
- 2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
- 3.The District Revenue Officer,
Salem District.



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W.P.No.15352 of 2023

M.S.RAMESH,J.

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W.P.No.15352 of 2023

02.06.2023