



Writ Petition No.30112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition Nos.30112 & 30113 of 2023

Srinivasalu
S/o.Thirupal

... Petitioner in both WPs

Vs.

The Assistant Commissioner-III
Revenue Administrative and
Disaster Management Department
Chepauk, Chennai-600 005.

... Respondent
in W.P.No.30112 of 2023

1. The Assistant Commissioner-III
Revenue Administrative and
Disaster Management Department
Chepauk, Chennai-600 005.

2. The District Collector
Kancheepuram.

... Respondents
in W.P.No.30113 of 2023

Writ Petition No.30112 of 2023 filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus to direct the



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respondent to consider the representations dated 19.06.2023 and 08.09.2023 to regulate the pay and allowances.

Writ Petition No.30113 of 2023 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to consider the representations dated 19.06.2023 and 08.09.2023 to re-transfer the writ petitioner to the parent unit i.e., the Revenue Administration and Disaster Management Department.

For Petitioner in both WPs : Mrs.Jasmin Padma
representing Mr.M.S.Soundara Rajan

For Respondents in both WPs : Mr.V.Manoharan
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed seeking for Mandamus to direct the respondents to consider the representations dated 19.06.2023 and 08.09.2023, wherein and whereby, the writ petitioner sought to regulate the pay and allowances and to re-transfer him to the parent unit i.e., Revenue Administration and Disaster Management Department.



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2. Mr.V.Manoharan, learned Additional Government Pleader accepts notice for respondents. By consent of both sides, these main writ petitions are taken up for final disposal at the admission stage itself.

3. The case of the writ petitioner is that he was appointed as a Scavenger in the Revenue Department on 01.07.1990. While he was working at the office of the Revenue Administrative and Disaster Management Department, he was arrested by the Inspector of Police, Vigilance and Anti-Corruption Department on 05.07.2005 on the allegation that writ petitioner has conspired with 3 others and committed theft of records from the Special Commissioner of Archives and Historical Department, Egmore, Chennai. Therefore, he was placed under suspension on 06.07.2005 and subsequently, a charge sheet was filed before learned IV Additional Special Judge, Chennai in C.C.No.10/2010. However, the criminal case was ended in acquittal on 29.03.2023. Meanwhile, the writ petitioner challenged the suspension order before the Hon'ble High Court



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and the said suspension order was quashed vide order dated 02.07.2012 in W.P.No.1809 of 2011 on the ground of prolonged suspension and Hon'ble Judge specifically directed the respondents therein to post the writ petitioner faraway place from the station of occurrence. Pursuant to the aforementioned order, the writ petitioner was reinstated into service and transferred to Kancheepuram District and posted as a Gardener vide proceedings dated 08.04.2013 by the District Collector of Kancheepuram. The writ petitioner has been working at Kancheepuram District from 2013 onwards. Since the criminal case was ended in acquittal, there is no impediment for the respondents to transfer him to the parent unit i.e., Revenue Administration and Disaster Management Department, Chennai, to regulate the suspension period and to fix the pay as per Tamil Nadu Revised scales of Pay Rules 2009 and Tamil Nadu Revised Scales of Pay Rules 2017. Hence, the writ petitioner sent representations dated 19.06.2023 and 08.09.2023 seeking to treat the suspension period as on duty as per Rule 9 of Fundamental Rules 54, to pay arrears of pay and allowances and to re-transfer him to the parent unit i.e., Revenue Administration and Disaster



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Management Department but no reply has been received so far. Hence, the petitioner is before this Court by way of filing two writ petitions.

4. Learned counsel for writ petitioner submitted that when a suspended Government servant is fully exonerated from the charges leveled against him, the period of suspension shall be treated as on duty and the Government servant shall be entitled to pay and allowances for the entire period of suspension, provided the period of suspension ended before the date of his superannuation.

5. Learned Additional Government Pleader for respondents submitted that as per the order of this Court dated 02.07.2012 made in W.P.No.1809 of 2011, the writ petitioner was reinstated into service and transferred to Kancheepuram District and posted as a Gardener vide proceedings dated 08.04.2013. Learned Additional Government Pleader further submitted that a direction may be given to the writ petitioner to give a fresh representation along with necessary documents and the same may be considered in the



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manner known to law.

6. In view of the above submissions, this Court directs writ petitioner to send a fresh representation along with all necessary documents regarding acquittal of criminal case to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the representation to be filed by the writ petitioner on merits and in accordance with law, within a period of eight weeks thereafter. There shall be no order as to costs.

17.10.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
1. The Assistant Commissioner-III
Revenue Administrative and
Disaster Management Department
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2. The District Collector
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V.BHAVANI SUBBAROYAN., J

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