



**W.P.(MD).No.17774 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.07.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.17774 of 2023**

**P.Chandrasekar**

**... Petitioner**

**Vs.**

**1.The Special Commissioner of  
Revenue Administration,  
Ezhilagam, Chepauk,  
Chennai-600 005.**

**2.The District Collector,  
Tirunelveli District,  
Tirunelveli-627 009.**

**... Respondents**

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner into service by considering the petitioner's representation, dated 24.06.2023.

**For Petitioner : Mr.S.Stalinmuthu**

**For Respondents : Mr.D.S.Neduncheliyan  
Government Advocate**



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## **ORDER**

The present Writ Petition is filed seeking direction to the respondents to reinstate the petitioner into service by considering the petitioner's representation, dated 24.06.2023.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents and carefully perused the materials available on record.

3. The petitioner joined duty as Junior Assistant in the Revenue Department on 27.05.2009. During his service, he worked as Zonal Deputy Tahsildar, Tirunelveli Taulk from 02.09.2018 to 10.03.2019. While he was working as Zonal Deputy Tahsildar, Nanguneri, the second respondent vide his proceedings, dated 25.07.2021, under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules placed the petitioner under suspension, alleging that the petitioner had passed illegal patta transfer orders without following the due procedures as laid out under the Tamil Nadu Patta Pass Book Act, 1983.



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4. Thereafter, the second respondent vide proceedings, dated 31.08.2021, initiated disciplinary proceedings against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and framed charges with respect to the allegations. The petitioner submitted his detailed explanation on 29.09.2021 to the second respondent. An enquiry officer was appointed and the petitioner attended enquiry on 01.03.2022 and the detailed enquiry was also conducted. The enquiry officer submitted his enquiry report, dated 05.05.2022 to the second respondent. Thereafter, the petitioner submitted a detailed explanation on 15.06.2022 on the enquiry report along with documents related to copies of Village accounts to the second respondent. As per the orders of the second respondent, dated 05.07.2022, the petitioner has attended second respondent's office in person on 25.07.2022 for direct enquiry and gave detailed statement on that day. Even after the receipt of replies from the petitioner on the report of enquiry officer on 31.05.2022, the second respondent even after a lapse of more than one year, did not pass any orders on the disciplinary proceedings. The second respondent is yet to pass orders in this matter and the petitioner is under suspension for nearly 23 months. Hence, the petitioner gave representations on 18.01.2023 and 16.03.2023 to the second



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respondent seeking to revoke the suspension and he further sent a representation on 24.06.2023 to the second respondent. However, the said representation was not considered, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. The learned Counsel for the petitioner drew my attention as to the mandates of G.O(Ms)No.81 of the Human Resources and Management (Law) Department, dated 04.08.2022, which insists for the completion of departmental enquiry as far as the persons under suspension are concerned within a stipulated period of time and also insists to revoke the suspension and to place the petitioner in a non-sensitive post during the pendency of the disciplinary proceedings.



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7. The learned Government Advocate for the respondents vehemently submitted that they will be able to consider the representation and dispose of the representation in accordance with law on merits within a period of two weeks.

8. This Court is of the considered view that the respondents are dealing with this particular issue with much callousness and are not showing any indulgence to dispose of the representation made by the petitioner promptly.

9. However, considering the fact that the petitioner has been placed under suspension for more than two years, this Court is inclined to pass the following directions:

“The respondents are directed to revoke the suspension of the petitioner and reinstate him into service in a non-sensitive post in line to G.O(Ms)No.81 of the Human Resources and Management (Law) Department, dated 04.08.2022, considering the petitioner's representation, dated 24.06.2023 within a period of four weeks from the date of receipt of a copy of this order and thereafter conduct the disciplinary proceeding elaborately and conclude it



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within a period of six (6) months from the date of receipt of a copy of this order.”

10. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs.

**25.07.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

1.The Special Commissioner of  
Revenue Administration,  
Ezhilagam, Chepauk,  
Chennai-600 005.

2.The District Collector,  
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**L.VICTORIA GOWRI, J.**

BTR

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