



W.P.(MD)No.12196 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12196 of 2018
W.M.P(MD).No.11094 of 2018

Arul Raj

Vs.

... Petitioner

1.The Assistant Collector,
Devakottai.

2.K.Maheswaran,
The Tahsildar,
Karaikudi.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.A2/8459/2017 dated 01.06.2018 and quash the same and consequently, directing the respondents to provide the petitioner with all backwages.



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For Petitioner : Mr.R.M.Arun Swaminathan
For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader
for R1
Mr.R.Velmurugan for R2

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.A2/8459/2017 dated 01.06.2018, quash the same and consequently, direct the respondents to provide the petitioner with all backwages.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as Village Administrative Officer and he was appointed on compassionate ground. On 07.11.2017, the first respondent has initiated disciplinary proceedings as against the petitioner by issuing a charge memo, alleging that the petitioner has illegally taken away the Senior Citizens Pension Fund, Dhoti and Saree, and thereby, a punishment of stoppage of increment was imposed without following due

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procedures. Challenging the same, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the first respondent would submit that admittedly, as against the order passed by the Disciplinary Authority, there is an efficacious alternative appeal remedy available before the District Revenue Officer. Hence, this Court may direct the petitioner to file an appeal before the District Revenue Officer.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. In view of the submission made by the learned Additional Government Pleader appearing for the first respondent, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file an appeal before the concerned District Revenue Officer



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within a period of four weeks from the date of receipt of a copy of this order and if such appeal is filed by the petitioner, the concerned District Revenue Officer is directed to dispose of the same on merits and in accordance with law within a period of 12 weeks, thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

02.03.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To
1.The Assistant Collector,
Devakottai.

2.K.Maheswaran,
The Tahsildar,
Karaikudi.

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M.DHANDAPANI,J.

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