



W.A(MD)No.407 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.407 of 2023
and
C.M.P(MD)No.4419 of 2023**

- 1.The District Collector,
Tanjore District,
Tanjore.
- 2.The District Revenue Officer,
Tanjore District,
Tanjore.
- 3.The Revenue Divisional Officer,
Pattukottai Taluk,
Pattukottai.
- 4.The Tahsildhar,
Nalinthor Nala Thittam,
Pattukottai.
- 5.The Tahsildhar,
Pattukottai Taluk,
Pattukottai.

... Appellants/Respondents

-VS-

S.Kanagasabapathy

... Respondent/petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
dated 08.04.2022 passed in W.P(MD)No.14949 of 2013



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For Appellants : Mr.A.Baskaran

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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The Government is on appeal. Challenge is to the order of the Writ Court modifying the punishment imposed on the sole respondent.

2. Challenge before the Writ Court was to the punishment for certain delinquencies which were held to have been proved. The Writ Court found that the instructions issued to the Village Administrative Officers with reference to the compensation to be paid for drought relief to agriculturists were not clear and therefore, the respondent cannot be held guilty of voluntary dereliction of duty. The Writ Court found that the actions of the respondent were bonafide and hence, reduced the punishment by modifying it as stoppage of increment for a period of six months and directed the period of suspension to be treated as the period of regular service.

3. The learned Special Government Pleader would contend that the fact that the respondent had an alternative remedy by way of revision before the Government, was not considered by the Writ Court.



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4. No doubt, availability of alternative remedy would be a reason for this Court to refuse exercise of jurisdiction. But, in the case on hand, we find that the writ petition was filed in the year 2013 and was disposed of in the year 2022 after almost nine years. We, therefore, do not think that the petitioner could be shown the door on the ground of availability of alternative remedy. Even on merits, we find that the conclusions of the Writ Court are justified on the face of the language used by the Government in issuing instructions for distribution of drought relief to agriculturists. Hence, we do not find any reason to entertain the appeal.

5. The writ appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

11.04.2023

NCC :Yes/No
Index :Yes/No
PM



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