



W.P.(MD).Nos.4597 and 4598 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.4597 and 4598 of 2016

and

W.M.P.(MD).Nos.4172 and 4173 of 2016

W.P.(MD).No.4597 of 2016:

L.Kamatchidasan

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Revenue Department,
Fort St.George,
Chennai – 01.

2.The Commissioner of Revenue Administration,
Ezhilagam Building,
Chepauk,
Chennai – 05.

3.The District Collector,
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records of the third respondent relating his proceedings bearing No.Na.Ka.A7/41739/2005-1 dated 05.01.2008 and also the proceedings of the



W.P.(MD).Nos.4597 and 4598 of 2016

second respondent bearing No.Ser 3 (4)8150/2010 dated 16.11.2013, and also the proceedings of the first respondent bearing G.O.(2T) No.1039 dated 25.11.2014 and quash the same.

W.P.(MD).No.4598 of 2016:

L.Kamatchidasan

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Revenue Department,
Fort St.George,
Chennai – 01.

2.The Commissioner of Revenue Administration,
Ezhilagam Building,
Chepauk,
Chennai – 05.

3.The District Collector,
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records of the relating to the second respondent proceedings bearing Na.Ka.No.Ser 3(4) 51265/2014 dated 13.01.2015 and quash the same consequently direct the respondents to promote the petitioner as Tahsildar from the year of 2005 and fix consequential seniority along with his batch mate Mr.Sembukkutti, with all attendant monetary and service benefits within a period of time that may be stipulated by this Court.



W.P.(MD).Nos.4597 and 4598 of 2016

(In Both Writ Petitions):

WEB COPY

For Petitioner : Mr.S.Siva Ilayaraja

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader.

COMMON ORDER

The Writ Petition in W.P.(MD).No.4597 of 2016 is filed to quash the orders dated 05.01.2008, 16.11.2013 and 25.11.2014. The Writ Petition in W.P. (MD).No.4598 of 2016 is filed to quash the order dated 13.01.2015 and consequently direct the respondents to promote the petitioner as Tahsildar from the year of 2005 and fix consequential seniority along with his batch mate Mr.Sembukkutti, with all attendant monetary and service benefits.

2. The petitioner being the Zonal Deputy Tahsildar was responsible in identifying the beneficiaries belonging to houseless BPL families and was instrumental in granting pattas. The petitioner has faced disciplinary proceedings under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal), Rules. The charge against the petitioner is that he had issued patta without following the guidelines. The patta can be issued to the persons whose yearly income is Rs.16,000/-. But the petitioner has violated the said condition and issued the said patta whose yearly income is more than Rs.18,000/-.



W.P.(MD).Nos.4597 and 4598 of 2016

Therefore, a charge memo was issued alleging four charges against the petitioner. After conducting enquiry, the respondents have imposed the punishment of stoppage of increment for 3 months without cumulative effect. Aggrieved over the same, the petitioner has preferred Appeal and the same was rejected and thereafter, filed a review before the Government and the same was also rejected. All the three impugned orders are challenged before this Court in W.P.(MD).No.4597 of 2016. The petitioner also filed another Writ Petition in W.P.(MD).No.4598 of 2016 for granting promotion. At the time of filing the Writ Petitions, the petitioner was 56 years old.

3. The respondents have filed a counter stating that the petitioner died on 29.09.2017. Since the petitioner has challenged the disciplinary proceedings, the legal heirs cannot be substituted for challenging the disciplinary proceedings. Since the monetary benefits has not accrued in this case, the legal heirs of the deceased petitioner cannot be granted liberty to contest this case. Moreover, the punishment is minor punishment and hence this court is not inclined to entertain this writ petition.



W.P.(MD).Nos.4597 and 4598 of 2016

WEB COPY 4. Hence, the Writ Petitions are dismissed as abated as well as on merits.

No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Secretary to Government of Tamilnadu,
Revenue Department,
Fort St.George,
Chennai – 01.
- 2.The Commissioner of Revenue Administration,
Ezhilagam Building,
Chepauk,
Chennai – 05.
- 3.The District Collector,
Thoothukudi,
Thoothukudi District.



WEB COPY



W.P.(MD).Nos.4597 and 4598 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).Nos.4597 and 4598 of 2016

10.04.2023