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W.P.No.14025 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.14025 of 2021

P.Selvaraj

... Petitioner

Vs.

1.The Director,
Directorate of Land Survey and Settlement,
Chepauk, Chennai 600 005.

2.The Assistant Director of Survey and Land
Records Department,
Chennai 1.

3.The Accountant General (A & E),
Anna Salai, Teynampet, Chennai.

(R3 impleaded vide order dated 04.04.2022 made in
W.M.P.No.3704 of 2022 by DKKJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records which culminated in passing the order bearing proceeding in Na.Ka.la4/42173/2015 dated 30.05.2019 by the first respondent and quash the same and consequently, to direct the respondents to settle all the terminal benefits to the petitioner.



For Petitioner : Mr.C.Purnesh Hari
For Respondents : Mr.R.U.Dinesh Rajkumar
AGP for R1 & R2
M/s.J.Sree Vidhya for R3

ORDER

This Writ Petition has been filed for quashment of the impugned order made in Na.Ka.la4/42173/2015 dated 30.05.2019 passed by the first respondent and consequently, to direct the respondents to settle all the terminal benefits to the petitioner.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. One Pachaiyammal lodged a complaint before the Department of Vigilance and Anti Corruption stating that M.Dayalan, the Sub Inspector of Survey and Land Records, who is arrayed as A1, has demanded a sum of Rs.5000/- as bribe for issuing patta to her. Based on the complaint, a trap was held on 08.03.2010 by the officials of the Vigilance and Anti Corruption Department and during the trap, A1 reiterated his earlier demand and directed the petitioner/A2 who was working as Field Assistant in the office of



Mambalam-Guindy Taluk, to receive the bribe amount of Rs.5,000/- from the complainant. For which, a case in Crime No.04 of 2010 was registered under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act against A1 and the petitioner.

4. Based on the report of the Deputy Superintendent of Police, Vigilance and Anti Corruption Department, the second respondent issued an order on 10.03.2010 in proceedings Rc.A4/1070/2010(2), by placing the petitioner under suspension from service by invoking Rule 17(e)(1)(ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and also initiated disciplinary action against him. Thereafter, charge sheet was filed against the petitioner and A1 and the same was taken on file in C.C.No.10 of 2011 by the learned IV Additional Sessions and Special Judge, Chennai. When the petitioner was due to retire on attaining the age of superannuation on 31.03.2016, the second respondent issued orders in A4/1070/2010 dated 29.03.2016 retaining the petitioner in service and extending the suspension until the final orders are passed by the competent authority. Based on the final report, the learned Special Judge for the cases under Prevention of Corruption Act, Chennai in C.C.No.81 of 2011 (old C.C.No.10/2011) by an



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order dated 07.06.2017 has convicted the first accused and acquitted the second accused under Section 248(1) of Cr.P.C. Thereafter, the second respondent in his Memo No.A1/1070/2010 dated 06.02.2018 issued a Charge Memo against the petitioner under Rule 17(b) of TNCS (D&A) Rules and the petitioner had also submitted his written explanation to the first respondent on 19.02.2018. The enquiry officer not enquired the complainant, since she was not available in her address. The enquiry officer examined four other witnesses and they all deposed about the allegation against the petitioner.

5. Even though the petitioner had not demanded the bribe amount, knowing very well that the amount of Rs.5000/- demanded by A1, the petitioner failed to maintain the absolute integrity and devotion. Hence, the charges against the petitioner were proved. Based on the inquiry report, the explanation submitted by the petitioner and connected documents, the first respondent in his memo Na.Ka.la4/42173/2015 dated 27.05.2019, directed the second respondent to allow the petitioner to retire from service. The second respondent issued orders on 29.05.2019 allowing the petitioner to retire from service on his reaching the age of superannuation on the afternoon of 31.03.2016 pending departmental proceedings against him. Hence, the first



respondent in his proceedings Na.Ka.La4/42173/2015 dated 30.05.2019, issued final orders imposing a punishment of reduction of 1/3rd amount from his pension per month for a period of one year and 1/5th amount to be recovered from his gratuity. Against which, the petitioner has filed the present petition.

6. The learned Government Advocate appearing for the respondents submitted that based on the departmental witnesses, the enquiry officer held that the charges against the petitioner are proved and based on the inquiry report, the final order has been passed by the first respondent.

7. On perusal of the materials available on record, this Court is of the view that for the proven charges against the petitioner, a lenient view has been taken by the first respondent by imposing the above punishment which requires no interference.

8. Therefore, this Court finds no merits in this Writ petition and accordingly, the same is hereby dismissed. No costs.

21.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

VIVEK KUMAR SINGH, J.

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To

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