IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P No.13608 of 2020 and
W.M.P.Nos.16901 & 16902 of 2020

A.Valliammal ...Petitioner

Vs.

1.The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.

2.The District Collector
Thirupathur district
Thirupathur-635 601 ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.A1/05/2019 dated 30.08.2020 and to quash the same and consequently, direct the 2nd respondent to restore the petitioner to the post of Thasildhar.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.M.Murali
Government Advocate

O R D E R

The basis for issuing the impugned order is that the proceedings under Rule 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal Rules) are pending against the petitioner. Aggrieved by the said proceedings dated 30.08.2020, the petitioner approached this Court by filing this writ petition.

2. The 2nd respondent filed a counter affidavit narrating the service particulars of the petitioner and the reason for issuing impugned proceeding, as was assigned in the impugned order.

3. Today, when the matter is taken up for consideration, it is brought to the notice of the Court by the learned counsel for the petitioner that the disciplinary proceedings initiated against the petitioner under Rule 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal rules), which is the basis for issuing impugned order, has already been concluded through proceedings in Na.Ka.A1/5279/2020 dated 27.08.2021. All the four charges that are framed against the petitioner by the 2nd respondent herein and as such, the very basis on which the impugned

proceedings came to be issued is no more subsisting and the same has come to an end as early as 27.08.2021. According to the learned counsel for the petitioner inspite of the fact that charges against the petitioner was dropped as early as 27.08.2021, the case of the petitioner has not been considered by the 2nd respondent for promotion to the post of Tahsildar for the past three years and therefore, sought for appropriate directions. As already noted above, the very basis on which the impugned proceedings came to be issued is no more subsisting. If that be the case, it is obligatory on the part of the 2nd respondent to restore the petitioner to her original position of Tahsildar.

4. Consequent upon dropping of charges against the petitioner through proceedings dated 27.08.2021, for the reasons best known, the 2nd respondent has not taken any consequential steps. In the considered view of this Court, the 2nd respondent ought to have taken all consequential steps consequent upon dropping of the charges against the petitioner. In that circumstances, in the considered view of this court, the impugned order cannot be sustained under law and the same is accordingly set aside. Consequently, the 2nd respondent is further directed to consider the case of the petitioner for promotion to the post of

Tahsildar with effect from 11.12.2019 on par with similarly situated persons and pass appropriate orders in accordance with law and extend all consequential benefits to the petitioner as expeditiously as possible preferably within a period of three weeks from the date of receipt of copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

26.04.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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MUMMINENI SUDHEER KUMAR, J.

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