



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 28.08.2024

DELIVERED ON: 05.09.2024

CORAM:

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No. 2605 of 2024

and CMP. No.18649 of 2024

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary/
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai – 600 005.

.. Appellants

Vs

P.M.Anandan

..Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.08.2023 in W.P.No.97 of 2019.



For Appellants : Mr.J.Ravindran,
Additional Advocate General
assisted by
Mr.S.Yashwanth,
Additional Government Pleader

For Respondent : Mr.D.Veerasekaran

J U D G M E N T

(Judgment of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

The respondents in the Writ Petition viz., the Principal Secretary to Government, Revenue and Disaster Management Department and the Commissioner, Revenue Administration, aggrieved by the order dated 21.08.2023 in W.P.No.97 of 2019, have preferred the present Writ Appeal.

2. We have heard Mr. J.Ravindran, learned Additional Advocate General for Mr.Yashwanth, learned Additional Government Pleader for the appellants and Mr.D.Veerasekaran, learned counsel for the respondent in the writ petition.

3. The writ petition was filed by the respondent herein challenging his order of dismissal from service and also seeking direction to the appellants to settle all his monetary benefits. The Writ Court after considering the



entire gamut of facts and circumstances allowed the writ petition and the same is now under challenge before us.

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4. The learned Additional Advocate General, Mr.J.Ravindran would submit that the respondent/writ petitioner was dismissed from service on the ground of bribery which is a serious social evil and the Courts have to be slow in interfering with the penalty imposed in the Disciplinary Proceedings. He would place reliance on the decisions of the Hon'ble Supreme Court in the case of *B.C.Chadurvedi Vs. Union of India and others*, reported in *MANU/SC/0118/1996* and *Lucknow K.Gramin Bank and others vs Rajendra singh*, reported in *MANU/SC/0750/2013*.

5. The learned Additional Advocate General would further submit that the present case does not fall under any of the exceptions which have been illustrated by the Hon'ble Supreme Court in the above decisions and therefore, the impugned order passed by the 1st appellant in G.O.(2D) No.263, Revenue and Disaster Management Department, dated 02.08.2018 was legally sustainable and ought not to have been set aside.



6. The learned counsel for the respondent would submit that this is the second round of litigation and the writ petitioner has suffered on account of delay for the past several years and such delay was not being occasioned on his part. He would further submit that the petitioner also suffered social stigma in view of the fact that he was dismissed from service and the Writ Court rightly set aside the impugned order and therefore, prayed for the dismissal of the Writ Appeal.

7. We have carefully considered the rival submissions advanced by the learned counsel on either sides.

8. Admittedly, the respondent/writ petitioner was initially selected through the Tamil Nadu Public Service Commission in the year 1984 and appointed as Village Administrative Officer (VAO). After training, he was posted at Palayanoor, Thiruvallur District as VAO and subsequently, he was transferred to various places and finally when he was working at Medhur-I Village, Ponneri Taluk, Thiruvallur, he was inflicted with two charges by charge memo dated 02.06.2008. The charges were that firstly, he demanded a sum of Rs.1,000/- as illegal gratification from one Mr.G.Munusamy for



issuance of No Objection Certificate and secondly, he had demanded and also accepted illegal gratification to the tune of Rs.2,980/- from 13 different individuals for processing free household Patta at Kalpattu Village. An enquiry was initiated before the Tribunal in Disciplinary Proceedings, PDP Case No. 15 of 2008 and the first charge of acceptance of bribe of Rs.1,000/- was held to be not proved. However, in respect of the second charge, out of 13 persons who had paid illegal gratification to the respondent/writ petitioner, 6 of them were held to be proved while the other 7 were held to be not proved. The respondent/writ petitioner gave his written explanation on 30.01.2012 in respect of the allegations which stood proved, but an order of termination from service was passed by the appellants. However, on a writ petition filed by the respondent/writ petitioner in W.P.No.33911 of 2014, the termination order was set aside and the matter was remitted for fresh consideration.

9. Subsequently, the Tribunal passed orders reiterating the earlier punishment of dismissal of service. The same has been challenged in W.P. No.97 of 2019. Before the Writ Court, it is the case of the appellants that the substantial portion of the 2nd charge had been proved and the explanation



and allegation levelled by the petitioner against one Mr.A.E.Manoharan were found to be false and incorrect and the punishment has been imposed only after taking into account all the relevant facts.

10. It is the specific allegation of the respondent/writ petitioner that a person by name, A.E.Manoharan who is a native of the same village had encroached into substantial piece of land and as Village Administration Officer, the respondent/writ petitioner has acted on a complaint given by the President, Vice President and Members of the Manavoor Village Panchayat, Tirutani Taluk to clear the encroachments. Personally aggrieved by such legitimate action taken by the respondent/writ petitioner, the said A.E.Manoharan, with ulterior motive, had implicated the respondent/writ petitioner on charges of bribery and receipt of illegal gratification.

11. The Writ Court has found that despite the matter being remitted for fresh consideration in and by order dated 19.07.2017 in W.P No.33911 of 2013, thereafter, verbatim the very same order has been passed and same punishment has been reimposed. The Writ Court has further found that the directions of the learned Single Judge in W.P. No.33911 of 2013 have not



been followed and the very approach of the appellants was faulty since the issue of encroachment of 164 acres of land was never examined in the impugned order. The Writ Court has also found that the infirmities pointed out by the respondent/writ petitioner in WP No.33911 of 2013 which were also incorporated in the directions of the learned Single Judge, were also not addressed by the appellants.

12. Taking into account the fact that the respondent/writ petitioner has suffered stigma of dismissal from service and also on account of delay, the Writ Court held that the impugned order has to be necessarily set aside as the writ petitioner cannot be made to go in circles. We are also conscious of the fact that the writ petitioner has already retired from service after attaining the age of superannuation and considering all the above facts, we do not find any justifiable grounds to interfere with the order of the Writ Court and there is no merit in the contentions of the appellants and the Writ Appeal deserves to be dismissed.

13. In fine the Writ Appeal is dismissed and the order of the learned Single Judge in W.P. No.97 of 2019, is confirmed and the necessary



proceedings shall be issued by the appellants within a period of eight (8) weeks from the date of receipt of the copy of this order and all accrued benefits shall be settled to the respondents within a period of twelve (12) weeks from the date of receipt of a copy of the order. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

(D.K.K., A.C.J.,) (P.B.B.J.,)

05.09.2024

Internet: Yes/No

Index : Yes/No

Speaking Order/Non Speaking Order

rkp

To:

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George, Chennai – 600 009.

2.The Principal Secretary/
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai – 600 005.



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W.A. No.2605 of 2



THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

rkp

Pre-delivery Judgment in

W.A.No. 2605 of 2024

and CMP. No.18649 of 2024

05.09.2024



WA No.2605 of 2024

**THE HON'BLE ACTING CHIEF
JUSTICE**

and

P.B. BALAJI, J.

Mr. D.Veerasekaran, learned counsel for the respondent, subsequent to the order being pronounced, brought to the notice of this Court that a portion of the amount has already been deposited in R.C.No.2286/2024/A3 dated 03.09.2024.

In view of the said submission, this Court directs the appellants to deposit the remaining amount, within a period of eight weeks from the date of receipt of a copy of this order. The respondent is permitted to withdraw the amount deposited in R.C.No.2286/2024/A3.

(D.K.K., ACJ.) (P.B.B., J.)
05.09.2024

mrn