



Writ Petition No.25203 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.25203 of 2019
& WMP No.24776 of 2019

K.Chandra Sekaran

..Petitioner

vs.

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The District Revenue Officer,
O/o.the Collectorate Campus,
Thiruvannamalai,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of a Certiorarified Mandamus, to call for the records connected in Lr.No.A2/2435/2018, dated 03.05.2019 of the third respondent and quash the same and consequently, direct the respondents to re-instate the petitioner in service with all benefits.



Writ Petition No.25203 of 2019

For Petitioner : Mr.K.Arumugam

For Respondents : Ms.V.Yamuna Devi, Spl.GP

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the third respondent vide in Lr.No.A2/2435/2018, dated 03.05.2019 and quash the same and consequently, direct the respondents to re-instate the petitioner in service with all benefits.

2.The case of the petitioner is that he was initially appointed as VAO on 07.03.2008 through TNPSC and posted to Modaiyur Village, Polur Taluk, Thiruvannamalai District. Subsequently, his services were regularised by the third respondent on 22.12.2008. While he was working as VAO at Sorakulathur Village, he submitted a complaint to the District Collector on 08.08.2011 and requested to take action against one Kamaraj and others for threatening him to recommend an unqualified OAP case. But no action was forthcoming by the District Collector. Thereafter, he submitted an application to the third respondent on 23.09.2011 and



Writ Petition No.25203 of 2019

requested to relieve him from his service as he was tortured by 7 persons, mentioning their names for not recommending the ineligible OAP case.

However, there is no response to the said application. Instead of taking action against erring officials, the third respondent has issued charge memo dated 06.07.2012 to the petitioner, levelling 5 charges. After receipt of the charge memo, the petitioner has submitted a detailed explanation dated 17.09.2012. The petitioner also stated that he is tendering resignation to the VAO post. After receiving explanation, the third respondent did not pass any orders nor the petitioner was not relieved from service also. As there is no order received from the third respondent even after the lapse of two years, the petitioner submitted an application to the third respondent on 03.09.2014 and requested to transfer him from Sorakulathur Village to any other Village. Thereafter, he submitted an application to the Commissioner of Revenue Administration, Chepauk, Chennai on 21.03.2018 to issue posting order and also to treat the absence period as duty period and pay arrears of salary. Since there was no reply, the petitioner submitted an application to the District Collector, Thiruvannamalai on 17.04.2018. The District Collector vide proceedings dated 04.05.2018, directed the Revenue Divisional Officer to conduct enquiry with regard to the petitioner's



Writ Petition No.25203 of 2019

application for posting as VAO. Again, since no action has been forthcoming from the first respondent, the petitioner has filed a Writ Petition in WP No.4304 of 2019 before this Court, seeking a direction to the respondents therein to consider the representation of the petitioner dated 04.08.2018. The said Writ Petition was disposed of vide order dated 14.02.2019, with a direction to the first respondent therein to consider the petitioner's representation dated 04.08.2018 and pass orders on merits and in accordance with law. Thereafter, the third respondent vide letter in Lr.No.A2/2435/2018 dated 03.05.2019 rejected the request of the petitioner stating that the resignation submitted by the petitioner has deemed to have been accepted by the Competent authority and such order of acceptance of resignation is not necessary as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (in short, 'the Act, 2016').

3. In view of the above, it is clear that the first respondent has not passed any order on resignation application, the petitioner filed a review petition on 18.06.2019 before the DRO, the second respondent herein, to set aside the order dated 03.05.2019 and to reinstate the petitioner into service. But till date, the said review petition is not disposed of. In these



circumstances, the present Writ Petition has been filed.

WEB COPY

4. The learned Special Government Pleader appearing for the respondents, based on the averments of the counter affidavit, would submit that the resignation tendered by the petitioner was deemed to have been accepted under the provisions of Rule 50(1)(2)&(3) of the Act, 2016 and as such, no specific order for accepting his resignation is required. Accordingly, she would submit that the Writ Petition is devoid of merits and sought to dismiss the Writ Petition.

5. Having considered the submissions of the respective learned counsel and on perusal of the material available on record, it appears that against the order dated 03.05.2019 passed by the third respondent, the petitioner has filed review petition on 18.06.2019 before the second respondent and the same still pending. As per the learned counsel for the petitioner, the review petition is pending till now and no orders have been passed by the second respondent on the same.

6. In view of the above factual position, it is appropriate to dispose of the Writ Petition by giving a direction to the second respondent to dispose



Writ Petition No.25203 of 2019

of the review petition, without going into the merits of the case.

WEB COPY

7. Accordingly, this Writ Petition is disposed of, with a direction to the second respondent to dispose of the review petition submitted by the petitioner on 18.06.2019 and pass appropriate orders, in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after giving an opportunity of personal hearing to the petitioner.

No costs

Consequently, connected miscellaneous petition is closed.

11.09.2024

Index : Yes/No
Speaking order: Yes/No
dn

To

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The District Revenue Officer,
O/o.the Collectorate Campus,
Thiruvannamalai,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai,



WEB COPY



Writ Petition No.25203 of 2019

BATTU DEVANAND, J

dn

Writ Petition No.25203 of 2019

11.09.2024