



W.P.No.30453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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K.Pushpavathi

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
- 2.The Additional Chief Secretary,
Revenue and Disaster Management Department,
Service Wing, Ser-7(1) Section,
Secretariat,
Chennai – 600 009.
- 3.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.
- 4.The District Collector,
Collectorate,
Kallakurichi,
Kallakurichi District – 605 757.
- 5.The Revenue Divisional Officer,
Ulundhurpettai,
Kallakurichi District – 605 757.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Mandamus directing all the respondents to consider the representation dated 24.04.2024 and subsequently direct the respondents to revoke the order passed by the Sub-Collector, Thirukoilur dated 08.01.2018 in Na.Ka.No.A1/1086/2002 and directs to release the arrear amount for the period of 12 years, 01 month and 3 days.

For Petitioner : Mr.J.Jaya Bharath
For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 24.04.2024, wherein the petitioner has sought for revocation of the order passed on 08.01.2018 and for the release of the arrears of the amount payable to the petitioner for a period of 12 years 1 month and 3 days within the time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner is that her husband was appointed as



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Village Administrative Officer in the year 1982. By proceedings dated 03.03.1983, the Sub Collector, Thirukoilur, placed the petitioner's husband under suspension on the ground that an enquiry is going to be initiated for grave charges. An FIR came to be registered in Crime No.104 of 1984, which resulted in the filing of the final report which was taken on file in C.C.No.380 of 1989 before the learned Judicial Magistrate No.III, Ulundurpettai. The petitioner's husband underwent trial and ultimately, by judgment dated 30.06.1993, he was acquitted from all charges.

4.Pursuant to the above, the suspension order was revoked by the Revenue Divisional Officer, Thirukoilur, through proceedings dated 03.08.1993 and the petitioner's husband was reinstated into service. He rejoined as Village Administrative Officer at Kottamarudhur.

5.Thereafter on 23.12.2006, a charge memo was issued against the petitioner's husband to initiate proceedings under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules. By proceedings dated 13.10.2008, the Revenue Divisional Officer, Thirukoilur, imposed a punishment of stoppage of increment for two years with cumulative



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effect.

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6. Another criminal case came to be registered against the petitioner's husband for which he underwent trial in C.C.No.89 of 2002 before the learned Judicial Magistrate, Ulundurpettai. The petitioner's husband was convicted and sentenced by judgment dated 27.02.2007. Aggrieved by the same, an appeal was filed in CrI.A.No.14 of 2007 and the judgment of the Trial Court was set aside and also the conviction and sentence imposed by the Trial Court was set aside by the Appellate Court by judgment dated 28.09.2007 in so far as imprisonment is concerned and it was confirmed in so far as payment of fine.

7. In view of the above, the petitioner's husband was dismissed from service. Subsequently, the dismissal order passed against the petitioner's husband was revoked by the Revenue Divisional Officer by proceedings dated 27.10.2011. The petitioner's husband was reinstated into service. He died on 10.12.2011 leaving behind the petitioner, one son and a daughter. The retirement benefits of the petitioner's husband was subsequently released pursuant to the order passed by the Sub Collector, Thirukoilur, on 14.05.2012.



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8.The grievance of the petitioner is that the period of suspension was not regularized and therefore, the petitioner made a representation in this regard on 24.04.2024 directing to release of the amount for the said period. Since, it was not considered, the present writ petition has been filed before this Court.

9.Taking into consideration the facts and circumstances of the case and the relief sought for in the writ petition, without going into the merits of the case, there shall be a direction to the 5th respondent to deal with the representation made by the petitioner on 24.04.2024 on its own merits and in accordance with law and appropriate orders shall be passed within a period of eight (8) weeks from the date of receipt of a copy of this order.

10.The petitioner is directed to make a fresh representation to the 5th respondent along with all the relevant documents and also a copy of this order.

11.In the result, this Writ Petition is disposed of with the above



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directions. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

- 1.The Government of Tamil Nadu,
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Secretariat, Chennai – 600 009.
- 2.The Additional Chief Secretary,
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N.ANAND VENKATESH, J.

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