BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9901 of 2024
and
W.M.P.(MD)No.8977 of 2024

V.Palanikumar ... Petitioner

Vs.

1.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Revenue and Disaster Management Department,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The District Collector,
Madurai District,
Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent ie., the Additional Chief Secretary/Commissioner of Revenue Administration, Chennai in his Memo No.Ser.2(4)/12278/2019 dated 01.02.2024 and quash the same and consequently direct the first respondent ie., the Additional Chief Secretary/Commissioner of Revenue Administration, Chennai to allow the petitioner to retire peacefully on the date of superannuation ie., on 30.06.2024.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent in his Memo No.Ser.2(4)/12278/2019 dated 01.02.2024 and consequently, to direct the first respondent to allow the petitioner to retire peacefully on the date of superannuation ie., on 30.06.2024.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents.

3.The learned counsel for the petitioner submitted that for the alleged delinquency that had taken place on 10.09.2014, when the petitioner was working as Tashildar and the charge memo has been issued against the petitioner on 01.02.2024 after a lapse of 10 years and at the verge of the petitioner's retirement. The charge against the petitioner is that he had rectified some defects in the patta without authority.

4.The petitioner relying upon the decision of the Hon'ble Supre Court in the case of ***P.V.Mahadevan Vs.M.D.Tamil Nadu Housing Board [2005(4) CTC 403]***, in which it has been held that the protracted disciplinary proceedings against an employee should be avoided not only in the interest of public as well as in the interest of Government.

5.It is learnt from the records that the delinquency of the petitioner came to the knowledge of the respondents even in the year 2014, but no action has been initiated till he reached the age of superannuation. Nearly after a period of 10 years of the alleged delinquency that too just four months prior to his retirement, he has been chosen to be issue d with a charge memo in the year 2024.

6.G.O.Ms.144, Personnel and Administrative Reforms (N) Department, dated 08.06.2007 contemplates that the disciplinary action initiated against an employee should be completed before three months of the employee's retirement and the same should not be pressurized at the verge of the employee's retirement by passing disciplinary proceedings resulting in creating mental agony to the employee.

7.It is also to be noted that the charges framed against the petitioner is not serious in nature. The only allegation against the petitioner is that the petitioner ought not to have rectified any mistakes in the patta and he should have forwarded such application seeking rectification in the patta, only to the the Revenue Divisional Officer, who is the competent authority to rectify the defects in the revenue records.

8.At the time, when the appellate authority came to know about the wrong order passed by the petitioner, the appellate authority could have seized the matter himself and passed an appropriate order to set aside the same. Instead, the said order is still allowed to remain unchanged.

9.Therefore, the dictum laid down in P.V.Mahadevan's Case (cited supra) is squarely applicable to the facts of the present case. As the charges issued against the petitioner without application of mind and hence it is liable to be quashed. Accordingly, this writ petition is allowed and the charge memo issued by the first respondent in Memo.No.Ser/2(4)/12278/2019, dated 01.02.2024 is quashed. Consequently, the first respondent is directed to allow the petitioner to retire from service forthwith and settle all the eligible pensionary benefits to the petitioner as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To
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Revenue and Disaster Management Department,
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2.The District Collector,
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Ramanathapuram.

3.The District Collector,
Madurai District,
Madurai.

R.N.MANJULA, J.

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