



W.A(MD)No.306 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.A(MD)No.306 of 2024
and
CMP(MD)No.2909 of 2024**

1. The Secretary to Government,
Revenue Department,
State of Tamilnadu,
Secretariat, Fort.St.George,
Chennai-9.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai-5.

3. The District Collector,
Virudhunagar District.

... Appellants

-VS-

1. Dharmar

2. The Accountant General(A & E),
Tamilnadu,
Chennai-18.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters patent, against the order dated 22.12.2022 made in W.P(MD)No.23279 of 2018 on the file of this Court.



W.A(MD)No.306 of 2024

WEB COPY

For Appellants : Mr.T.Amjadkhan, Government Advocate
For R1 : Ms.Porkodi Karnan for
M/s.Polax Legal Solutions

J U D G M E N T

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.T.Amjadkhan, learned Government Advocate appearing for the appellants and Ms.Porkodi Karnan, for M/s.Polax Legal Solutions, learned counsel appearing for the respondent No.1.

2. The respondent No.1 filed writ petition challenging the punishment of stoppage of increment for a period of three years with cumulative effect imposed upon him.

3. The learned Single Judge set aside the punishment basically on the ground that the charges against the other two co-delinquents were dropped and they were let off the charges.



W.A(MD)No.306 of 2024

WEB COPY

4. Learned Government Advocate appearing for the appellants points out that the said finding is wrong. The co-delinquent Mr.S.Vanniappan, Village Administrative Officer, was punished with stoppage of increment for a period of two years without cumulative effect. So the observation is erroneous. According to the learned Government Advocate, no other aspects are considered by the learned Single Judge.

5. Learned Advocate for the respondent No.1/writ petitioner submits that the appellate authority while dismissing the appeal of the writ petitioner only observed that there is a delay in filing the appeal and did not consider the merits. The enquiry was also not properly conducted.

6. We have considered the submissions.

7. Yesterday, we had asked the learned counsel for the writ petitioner to verify whether the punishment was imposed upon Vanniappan.

8. Learned Advocate for the writ petitioner, on instructions, accepts that the charges against Vanniappan were not dropped and he was imposed with the punishment.



W.A(MD)No.306 of 2024

WEB COPY

9. In this case, other details are required to be considered in detail. The learned Judge has not discussed the same in detail.

10. In the light of that, we set aside the impugned order dated 22.12.2022 made in W.P(MD)No.23279 of 2018, remit the matter back to the learned Single Judge for a decision afresh. The parties may appear before the learned Single Judge on 18.03.2024. The learned Single Judge thereafter may take up the matter as per his convenience.

11. The Writ Appeal is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[M.S.K., J.]

01.03.2024

Index : Yes / No
Neutral Citation : Yes / No
bala



W.A(MD)No.306 of 2024

WEB COPY

To:

1. The Secretary to Government,
Revenue Department,
State of Tamilnadu,
Secretariat, Fort.St.George,
Chennai-9.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai-5.
3. The District Collector,
Virudhunagar District.



WEB COPY



W.A(MD)No.306 of 2024

THE HONOURABLE CHIEF JUSTICE
and
MUMMINENI SUDHEER KUMAR, J.

bala

W.A(MD)No.306 of 2024

01.03.2024