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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.20570 of 2015

Judgment reserved On 18.03.2025	Judgment pronounced on 02.06.2025

K.Rajamanickam ... Petitioner

Vs

1.The Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai – 9.

2.The Special Commissioner and Commissioner
for Revenue Administration,
Chepauk, Chennai – 5.

3. The District Collector,
Salem District, Salem. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the orders of the first respondent in G.O.(2D) No.267 Revenue (services7-2)

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Department dated 20.03.2014 confirming the orders of the second respondent in Na.Ka.Pani.5 (2)/15767/2005-6 dated 17.09.2005 and quash the same.

For Petitioner : Ms.Kamadevan

For Respondents : Mr.V.Veluchamy,
Additional Govt. Pleader

ORDER

This writ petition is filed against the order of punishment of stoppage of increment for five (5) years with cumulative effect.

2. The petitioner K.Rajamanickam was working as Village Administrative Officer in Rakkipatty Village of Salem South Taluk of Salem District. As against him, certain misconducts were noticed resulting in issuance of charge memo.

(1) The first charge refers to demand and acceptance of illegal gratification of Rs.300/- each from Tmt.Subbulakshmi and Tmt.Saroja, on the assurance of getting them destitute widow pension.

(2) The second charge is that the petitioner demanded and accepted illegal gratification of Rs.700/- each from Tmt.Parvathy and Tmt.Alli for getting them destitute widow pension.

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(3) The third charge is for demanding and accepting illegal gratification of Rs.300/- from Tmt.Lakshmi and Rs.400/- from Tmt.Mahesh, on the assurance of getting them destitute deserted widow pension.

(4) The fourth charge is for demanding and accepting illegal gratification of Rs.4.950/- from Thiru Krishnan, on the assurance of getting him the legal heir certificate and on the assurance of helping him to draw the money deposited in the name of his daughter who had died.

(5) The fifth charge is for demanding and accepting illegal gratification of Rs.4,500/- from Tvl.Sahadevan and Rajendran on the assurance of getting them individual pattas for the site purchased by them.

3. The petitioner herein had failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant. For the above lapses, proceedings were initiated against the petitioner by the Tribunal for disciplinary proceedings in TDP No.10 of 2002.

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4. The Tribunal conducted enquiry into this case in TDP No.10 of 2002 and held that the charges 1 & 3 are proved, charge 4 as partly proved whereas the charges 2 & 5 as not proved.

5. The Government, in G.O.(3D) No.8 Revenue Department, dated 14.02.2005, have directed the Special Commissioner and Commissioner of Revenue Administration, Chennai to take appropriate action on the report of the Tribunal for disciplinary proceedings, Salem. Accordingly, as per the provisions contained under Section 10(b) of Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, action was taken against the petitioner. The second respondent namely the Special Commissioner and Commissioner of Revenue Administration has conducted separate enquiry and passed final order on 17.09.2005 imposing punishment of stoppage of increment for five (5) years with cumulative effect. An appeal to the Government, first respondent herein was made by the petitioner and after obtaining opinion from the TNPSC, the said appeal has also been dismissed by the first respondent, by order dated 20.03.2014. Hence, the present writ petition.

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

7. The learned counsel for the petitioner would state that copies of statement of witnesses were not furnished to the petitioner during the enquiry by the Tribunal for disciplinary proceedings, Salem.

8. After perusing the order passed by the second respondent, Special Commissioner and Commissioner of Revenue Administration, Chepauk, Chennai dated 17.09.2005, I find that each and every charge has been dealt with and explanation offered by the delinquent has also been considered. Evidence that were let in from the persons from whom the petitioner demanded and accepted illegal gratification on the assurance of getting them destitute widow pension were also considered. Each and every charge has been separately dealt with corresponding and thereafter the second respondent came to the conclusion that the charges 1 & 3 are proved, charge 4 is partly proved and charges 2 & 5 are not proved.

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9. With regard to the punishment as stated supra, the petitioner has been imposed with stoppage of increment for five years affecting his pension benefits.

10. This Court perused the orders passed by the Government in this regard and the opinion of the TNPSC has also been considered. After going through the enquiry report and the order of the disciplinary authority, the impugned order has been passed. In a criminal case against the very same charge against the very same VAO, Section 167 Cr.P.C. statement was obtained from him. The learned counsel for the petitioner would state that the complaint copy was not marked before the Tribunal for disciplinary proceedings. However, I find that there is evidence of persons regarding demand and acceptance of illegal gratification for issuance of widow pension, destitute widow pension, legal heir certificate for the father who had lost his daughter and for granting of patta. Hence, taking into consideration the gravity of offence and the charges being proved, the second respondent has rightly passed the punishment.

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11. After taking into consideration all the proved charges, I find that the punishment of stoppage of increment for a period of five years with cumulative effect may be modified as stoppage of increment for a period of three years with cumulative effect. Except the same, the other aspects of the impugned order is kept intact.

12. In the result, the writ petition is partly allowed modifying the punishment of stoppage of increment for a period of five years with cumulative effect to stoppage of increment for a period of three years with cumulative effect. The respondents are directed to give promotion to the petitioner accordingly, after the currency of modifying the punishment, referred to above and the respondent is directed to settle the service benefits and all other terminal benefits, to which the petitioner is entitled to, in view of the modified punishment by this Court, as expeditiously as possible, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

02.06.2025

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RMT.TEEKAA RAMAN, J.

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To

1.The Principal Secretary to Government,
Revenue Department,
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2.The Special Commissioner and Commissioner
for Revenue Administration,
Chepauk, Chennai – 5.

3. The District Collector,
Salem District, Salem.

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