



WEB COPY

W.A.No.1381 of 2024



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1381 of 2024
and
C.M.P.No.9924 of 2024**

A.Chinnasamy,
S/o.Arumugam,
Special Tashildar (ADW),
Gudalur Taluk and Post,
Nilgiris District.

Now residing at
D/No.41/A, 12th Ward,
Selliamman Nagar, Valapadi Post,
Valapadi Taluk,
Salem District.

...

Appellant

versus

1.The Principal Secretary Cum
Commissioner of Revenue Administration,
Revenue Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Salem District Collectorate,
Salem.

3.The District Collector,
Nilgiris District,
Collectorate Ooty,
Nilgiris District.

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Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.24725 of 2016 dated 28.08.2023.

For Appellant : Dr.P.Vasudevan
for Mr.A.Radhakrishnan

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge is to the order of the District Collector, Salem, suspending the appellant on the ground that a criminal case in Special C.C.No.2 of 2015 is pending.

2. The appellant was working as Tahsildar in Salem and was suspended on 30.12.2010 as he was trapped while accepting illegal gratification. A criminal case was registered as stated above. The suspension was challenged by the appellant in W.P.No.32401 of 2015 and this Court allowed the writ petition and directed the reinstatement of the appellant.

3. Upon being reinstated, the appellant was transferred to Nilgiris District on administrative grounds with effect from 28.04.2016. Since the appellant was to attain superannuation on 30.04.2016, the District Collector,



Salem, passed the order impugned suspending the appellant and also a separate order was issued under Fundamental Rule 56 retaining the appellant in service. Both these orders were challenged before the learned single Judge.

4. The writ court did not find any ground to interfere with the impugned order. However, taking into consideration the pendency of the writ petition, the learned single Judge directed the District Collector, Salem, to review the situation taking into account the change in the circumstances and pass appropriate orders on the suspension. It is this order of the writ court that was the subject matter of challenge in this appeal.

5. We have heard Dr.P.Vasudevan, learned counsel, instructed by Mr.A.Radhakrishnan, appearing for the appellant and Mr.T.Chandrasekaran, learned Special Government Pleader, appearing for the respondents.

6. Dr.P.Vasudevan, learned counsel for the appellant would vehemently contend that since the appellant was working in the Nilgiris District, it was the District Collector, Nilgiris, who has to pass the order and not the District Collector, Salem.



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7. We are unable to countenance the submission of the learned counsel for the appellant. The appellant was originally appointed in Salem District and was suspended by the District Collector, Salem. Upon the order being set aside by this Court, he was reinstated by the District Collector, Salem. On administrative grounds he was transferred to Nilgiris District. Therefore, the parent District of the appellant remains as Salem. The Government servant who is transferred on administrative grounds retains the original place of posting. Therefore, it is the District Collector, Salem, who is the competent authority to pass the order.

8. The learned single Judge has been very sympathetic to the appellant. Though he has been accused of corruption, the writ court had directed the District Collector, Salem, to reconsider the issue.

9. Hence, we see no merits in the appeal and the Writ Appeal fails and it is accordingly ***dismissed***. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)
18.03.2025

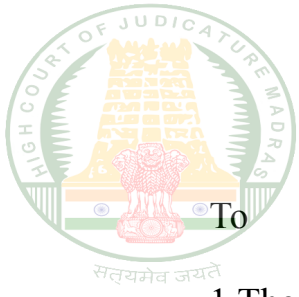
Speaking order

Index : No

Neutral Citation : No

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