IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.10310 of 2020

J. Ravi .. Petitioner

Versus

1. Government of Tamil Nadu,
Through its Secretary,
Municipal and Water Supply Department,
Fort St.George, Chennai.

2. Government of Tamil Nadu,
Through the Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalai Puram,
Chennai- 600 028. ...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned charge memo dated 13.11.2019 in Ref.No.Na.Ka.No.22568/2014 VI issued by the second respondent and to quash the same and pass orders.

For Petitioner : Mr.Akil Akbar Ali for

Sai Sathyajthi

For Respondents : Mr.T.M. Rajangam, GA

ORDER

This writ petition is filed seeking to issue a Writ of calling for the records of the impugned charge memo dated 13.11.2019 in Ref.No.Na.Ka.No.22568/2014 VI issued by the second respondent and to quash the same and pass orders.

2. The facts of the case is that the petitioner worked as a Revenue Inspector in the second respondent and superannuated on 30.09.2023. While he was working as a Manager in Virudhunagar Municipality he was issued with the charge memo on 13.11.2019 in Na.Ka.No.22568/2014/VI for not collecting the taxes and rent properly and caused loss to the Organisation when he was working as a Revenue Inspector. Challenging the same the petitioner has filed this petition.

3.The learned counsel for the petitioner submitted that the petitioner has discharged his duties efficiently and there is no deviation on his part. He further submitted that the alleged occurrence took place between the years 2009-2012 and the impugned charge memo was issued on 2019. He further submitted that the impugned charge memo does not even refer to any G.O regarding the lapses in the duties. He further submitted that the petitioner vide letter dated 05.01.2009 had informed his superiors about the non collection of rent from the shops and the same was not properly taken note by the superiors. It is also submitted that the collection staff consists of Bill Collectors, Revenue Inspectors and Tax Clerk, Revenue Officer, Manager and Executive Authorities and punishing the Petitioner/Revenue Inspector alone is not acceptable and the second respondent has passed the impugned order mechanically. Hence, prays to allow this petition.

4. The learned Government Advocate has filed a counter affidavit wherein, it has been stated that the appropriate investigation authority (Directorate of Vigilance and Anti Corruption) of the Government has brought to the notice of the Government that the Commissioner and five others have been involved in the allegation relating to failure to collect rent and toll for the premises under control to Thiruvathipuram Municipality and they have failed to maintain proper accounts for the

outstanding rent and toll. Subsequently, the Government has requested the Commissioner of Municipality Administration to conduct a Preliminary Departmental enquiry and to take Departmental action against the suspected officers, if any prima facie material emerges during such Departmental probe, an Enquiry Officer will be appointed to enquire into the irregularities. Subsequent to which Enquiry officer was appointed, who inturn conducted the enquiry and submitted his enquiry report and stated that the irregularities committed by the suspected officers are held as proved.

5. Before adverting further it would be relevant to go through the impugned charge memo dated 13.11.2019 and the same is extracted hereunder:

> *i) That the petitioner while working as Revenue Inspector and was incharge of collecting property and water tax from the residents within Thiruvathipuram Municipality, he was not collected lease amount for two years from 2009-2010 and 2010-2011 to the tune of Rs.7,03,650/- from one Rajesh who had taken lease of the weekly market for three year I.e., 2009-10, 2010-2011 and 2011-2012.*
>
> *ii) That the petitioner while working in the same capacity in the same place within the same*

Municipality, he has extended the lease period for the year 2010-2011 to one Lessee who defaulted in paying lease amount (for municipality Bus stand) for the lease year 2009-2010. The petitioner has also failed to take any step to collect the lease amount from the same lessee for the lease period 2009-2010 and 2010-2011 not collected the lease amount (Bus Stand Fees) for two years I.e 2009-2010 and 2010-2011 from the same lessee thereby the petitioner has along with the lessee incurred revenue loss of RS.8,82,500/- to the Municipality.

(iii) That the petitioner while working in the same capacity as Revenue Inspector in the same Tiruvathipuram Municipality, had leased out the Cycle Stand in violation of the rules and procedure laid down in this regard and has incurred Revenue Loss of Rs.1,20,250/- to the Municipality by not taking steps to collect the lease amount from the lessee for the year 2011-2012.

(iv) That the petitioner while working in the same capacity as Revenue Inspector in the same Tiruvathipuram Municipality, has incurred revenue loss of Rs.60,375/- to the Municipality by not taking steps to collect the lease amount for the slaughterhouse for the year 2010-11.

(v) That the petitioner had thus committed act of irregularities in contravention of Rule 21 of the Conduct rules of Municipality employees.

6.On going through the above charge memo it is made clear that the petitioner had caused heavy revenue loss to the Department by not monitoring the auction procedures properly.

7. On a perusal of records it is seen that the core contention of the petitioner is that the petitioner vide letter dated 05.01.2009 had informed his superiors about the non collection of rent from the shops and the same was not properly taken note by the superiors. It is also submitted that the collection staff consists of Bill Collectors, Revenue Inspectors and Tax Clerk, Revenue Officer, Manager and Executive Authorities and punishing the Revenue Inspector alone is not acceptable. But as per the rules and hierarchy the petitioner who is holding the post of Revenue Inspector is superior to the Bill Collector and in-charge of the entire process and he cannot escape from the disciplinary proceedings.

8. Even though this Court agrees with the submission that the petitioner vide letter dated 05.01.2009 had informed his superiors about the non collection of rent from the shops and the same was not properly

taken note by the superiors, there is no material available on the side of the petitioner to prove that he has taken steps to proceed further to cancel the said auction.

9. In view of the above facts it is made clear that there is no infirmity in the charge memo dated 13.11.2019 in Ref.No.Na.Ka.No.22568/2014 VI issued by the second respondent and this Court is not inclined to interfere with the same. Accordingly this petition is dismissed. No order as to costs.

18.02.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn
To
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V.BHAVANI SUBBAROYAN, J.

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