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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**WA No. 2676 of 2025 and
CMP No.21498 of 2025**

1. The Principal Secretary to
Government,
Revenue and Disaster Management
Department, Services Wing (Ser.2(3))
Section, Fort St. George, Chennai -9.

2. The Additional Chief
Secretary/Commissioner of Revenue
Administration,
Revenue Administration and Disaster
Management Department,
Chepauk, Chennai -5.

43. The Inquiry Officer,
DRO, Erode.

64. The District Collector,
Salem.

Appellant(s)

Vs

1. M.Alagirisamy,
S/o Muniraman,
Formerly Assistant,
O/o Special Deputy Collector (Stamps),
Now Special Tahsildhar, Arbitration,



Collectorate Office, Salem,
Salem District.

Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the Order dated 29.09.2023 made in W.P.No.23743 of 2021 and allow the Writ Appeal and thus render justice..

For Appellant(s): Mr. E.Veda Bagath Singh,
Special Government Pleader

For Respondent(s): Mr. K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

JUDGMENT

(Judgment of the Court was made by R.Suresh Kumar J.)

This Intra Court Appeal has been directed against the order impugned dated 29.09.2023 made in W.P.No.23743 of 2021.

2.Heard Mr. E.Veda Bagath Singh, learned Special Government Pleader for the appellants and Mr. K.Venkataramani, learned Senior Counsel for Mr.M.Muthappan, learned counsel for the respondent.

3.The respondent/writ petitioner was appointed initially as a Junior Assistant on Compassionate Appointment on 11.12.1981 in Salem Revenue Unit. He was promoted as Assistant on 20.11.1992 and was further promoted as Deputy Tahsildar on 09.07.2005. Though his name was included for promotion



to the post of Tahsildar in the panel for the year 2004 and his name has also become due for the post of Tahsildar for the panel year 2008 for giving such promotion, he was not promoted. The reasons being the disciplinary proceedings at that time were initiated against him. However, only in the year 2013 i.e., by an order dated 27.03.2013, he was promoted as Tahsildar by including his name in the panel for the year 2008.

4. In this context, it is to be noted that insofar as the respondent/writ petitioner is concerned, there has been a disciplinary proceedings initiated against 13 persons including the writ petitioner by the District Collector (Stamps) under whose office, he was working for the period 1997-98.

5. A charge memo has been issued, pursuant to which when proceedings were taken place on 13.06.2007 itself, the appellant Department has come forward to issue a Government Order in G.O.(D) No.338 Revenue Services 2 (1) Dept dated 13.08.2007, whereby, the charges framed against the writ petitioner as well as others were dropped.

6. Subsequently, covering the period between 1998-99, yet another charge had been framed, that was also dropped by issuance of the Government Order by GO (D) No.529 Revenue Services 2(1) Dept dated 12.09.2007. Therefore, it has become clear that by passing the two Government orders referred above, the



two charges framed against the writ petitioner and others since had been dropped, there has been no further proceedings. However, yet another charge memo under Rule 17(b) of the Tamil Nadu Civil Services Disciplinary Appeal Rules were framed against the writ petitioner and others on 18.09.2008, where, if we look at the charge, the charge is nothing but a charge which has been already dropped for the alleged commissioning in the year 1988 – 89.

7. Based on the said charge, ultimately orders have been passed in GO (2D) No.272 Revenue and Disaster Management Department, Services 2(3) Section dated 27.11.2019, whereby, a punishment of stoppage of increment with cumulative effect for three years has been inflicted against the writ petitioner that was under challenge before the writ Court on the ground that since the very charge itself having been dropped already, the question of proceeding further and to punish the writ petitioner does not arise. Therefore, the ground raised by the petitioner having been considered was accepted by the writ Court and ultimately, the writ Court allowed the writ petition through the impugned order.

8. Though this Intra Court Appeal has been filed assailing the order passed by the writ Court and in support of the contention, initially arguments were advanced by the learned Government Pleader for the appellants, after a specific clarification that has been sought for by this Court, today when the case is taken up for hearing, it is brought to our notice by the learned Senior Counsel



appearing for the respondent/writ petitioner that by two separate Government Orders, the charges framed for the period 1997-98, 1998-1999 since have been dropped, pursuant to the charge issued for the very same period on 18.09.2008 it cannot be proceeded further and therefore, based on which any punishment is awarded to the writ petitioner through the order impugned before the writ Court in GO (2D) No.272 Revenue and Disaster Management Department, Services 2(3) Section dated 27.11.2019, the same cannot stand in the legal scrutiny, he contended.

9.This factual matrix cannot be disputed by the learned Government pleader appearing for the appellants as the Government has come forward to issue two Government Orders, whereby, two set of charges having been framed against the writ petitioner and others were considered and dropped. When that being so, there has been absolutely no flaw on the part of the writ Court in setting aside the punishment awarded against the writ petitioner by GO (2D) No.272 Revenue and Disaster Management Department, Services 2(3) Section dated 27.11.2019, thereby allowing the writ petition. Therefore, the said order which is impugned herein cannot be found fault with.

10.In the result, the impugned order passed by the writ Court is sustained and accordingly, it is sustained and as a result of which, whatever service benefits accrued on the respondent/writ petitioner shall be conferred on him.



Therefore, with the above observations and directions, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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(R.S.K., J.) (H.C., J.)

18-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.M.Alagirisamy,
S/o Muniraman, Formerly Assistant,
O/o Special Deputy Collector (Stamps),
Now Special Tahsildhar, Arbitration,
Collectorate Office, Salem,
Salem District.



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**R.SURESH KUMAR J.
AND
HEMANT
CHANDANGOUDAR J.**

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