



W.P.No.3814 of 2016

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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.3814 of 2016

Judgment reserved On 18.03.2025	Judgment pronounced on 02.06.2025
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K.Rajamanickam

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Petitioner

Vs

1.The Secretary to Government,
Revenue {Services-7(1)} Department,
Fort St George
Chennai - 600 009.

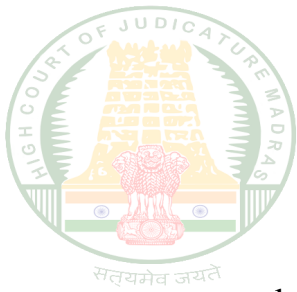
2.The Additional Commissioner
(Revenue Administration)
Chepauk, Chennai – 5.

3.The District Revenue Officer,
Salem District, Salem.

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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.(1D) No.180 Revenue (services 7-1) Department dated 05.05.2015 confirming the orders of the third respondent



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passed in Na.Ka.A3/95463/2001 dated 15.09.2004 and the orders of the second respondent in Na.Ka.Pani.5(2)/99878/2004-9 dated 12.08.2005 and quash the same.

For Petitioner : Ms.Kamadevan

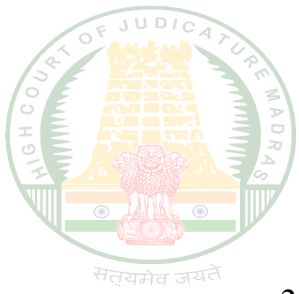
For Respondents : Mr.V.Veluchamy,
Additional Govt. Pleader

ORDER

This Writ Petition is filed against the order of punishment of stoppage of increment for a period of three years with cumulative effect.

2. The service matrix of the case is as under –

2.1 The petitioner was working as Village Administrative Officer (VAO) of Attayampatty Village, Salem Taluk and Salem District. There is no official order placing him incharge of Rajapalayam Village when the Village Administrative Officer, Rajapalayam Officer was on duty. A complaint arose against the petitioner herein that he had issued Residence Certificate to a person in Rajapalayam without any authority.



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3. The petitioner has also recommended for sanction of DRS amount to one Tmt.Janaki inspite of the fact that she had major male heirs. In the case of one Tmt.Perumayee also, he had recommended for sanction of DRS amount when she has male legal heirs who were major. Hence, the Revenue Divisional Officer, Salem issued a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the petitioner on 29.11.2001. Complaint made by one Ramachandran against the petitioner herein was enquired by the Zonal Deputy Tahsildar and the same was further recommended to the Tahsildar, Salem for initiating the disciplinary proceedings.

4. The writ petitioner has committed the following irregularities –

(a) Issued Residence Certificate to a person residing in Rajapalayam Village which is not within his jurisdiction.

(b) Recommended for issue of Nativity Certificate to a person who is not residing in the village and when the concerned Village Administrative Officer was neither on leave nor went on permission.



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(c) Recommended for Distress Relief Scheme to the persons having major male legal heirs

5. The disciplinary proceedings enquiry has been conducted and the petitioner has not submitted any representation to peruse the records regarding the charge memo issued to him. The Special Tahsildar, Salem was appointed to enquire into the charges and the enquiry officer's report dated 15.09.2004 was submitted that all the charges against the petitioner are proved. As per the report, due opportunity was given to the petitioner. The disciplinary authority and the third respondent namely the District Revenue Officer, Salem District passed an order of punishment, as stated supra and hence the present writ petition.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent and perused the typed set of papers filed by the Government with regard to the enquiry report and orders passed by the Appellate Authority.



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7. Based upon the complaint of Mr.Ramachandran against the petitioner with regard to issuance of Residence Certificate for the persons residing in Rajapalayam Village while he was not a Village Administrative Officer (VAO) and some other person is acting as VAO and he has recommended for issuance of Nativity Certificate to a person who is not residing in the village and his recommendation to the Distress Relief Scheme to the persons having major male legal heirs.

8. From the enquiry report, this Court finds that based on the recommendations of the Tahsildar, Salem dated 28.11.2001, the Revenue Divisional Officer, Salem initiated disciplinary proceedings against the writ petitioner and District Revenue Officer, Salem passed final orders based on the explanation of the petitioner, documents and report of the Inquiry Officer. The Appellate Authority and the Additional Commissioner of Revenue Administration gone through all the related documents and confirmed the orders of the 3rd respondent. The complaint made by one Ramachandran against the petitioner has been enquired and based on the enquiry and verification of relevant facts, charges have been framed against the petitioner.

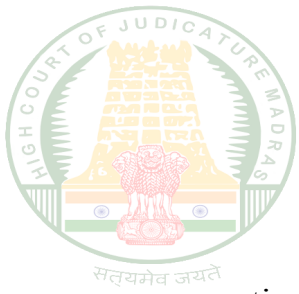


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9. Admittedly, the petitioner herein was not put incharge of the Rajapalayam village by any higher officers. The activities of the petitioner herein, i.e. issuance of Residence Certificate to the villager of Rajapalayam Village for which he is not the Village Administrative Officer, recommendation to issue nativity certificate to a person who is not residing in the village and recommendation for the grant of relief under Distress Relief Scheme by giving wrong information to the higher officials are all serious violation and thus, he violated Rule 18 of the Tamil Nadu Government Servants Conduct Rules, 1973. He is not expected to issue/recommend for issue of certificate, etc. to the residents of a village for which he is not the Village Administrative Officer.

10. The act of the petitioner is without authority and misuse of power. Furthermore, it is to be stated that the petitioner herein had given wrong information to the Relief sanctioning authority under Distress Relief Scheme and recommended to sanction assistance under the Distress Relief Scheme to the ineligible persons even though they are having male legal heirs who are major. The act of the petitioner herein recommending to



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sanction relief under Distress Relief Scheme to the ineligible persons deserves punishment. Being the field officer, he should have recommended after field verification. However, he failed to do so. It is also seen that the disciplinary authority has called for explanation. The petitioner failed to make field enquiry before issuing Nativity Certificate to non-resident persons and recommended for the Government benefits to the ineligible persons. Accordingly, the above punishment was imposed by the disciplinary authority and the same was confirmed by the Appellate Authority. Hence, I do not find any merits in this case. As far as the quantum of punishment is concerned, this court modifies the punishment of stoppage of increment for a period of three years with cumulative effect to the punishment of stoppage of increment for a period of two years with cumulative effect.

11. In the result, this writ petition is partly allowed to the extent indicated above. No costs.

02.06.2025

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Index : Yes/No

Speaking/Non-speaking order



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RMT.TEEKAA RAMAN, J.

rgr

To

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- 2.The Additional Commissioner
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