



W.P.No.18039 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.11.2025

Pronounced on : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.No.18039 of 2019

K.Paramasivan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Revenue Department
Secretariat, Chennai 600 009.

2.The Principal Commissioner & Commissioner of Revenue
Administration
Government of Tamil Nadu
Ezhilagam, Chepauk
Chennai 5.

3.The District Collector
Erode District, Erode.

4.The District Revenue Officer
Erode District, Erode.

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5.The Revenue Divisional Officer
Gobicheettipalayam
Erode District, Erode.



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6.The Revenue Tahsildar
Sathyamangalam
Erode District, Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the sixth respondent vide proceeding No.Na.Ka.6192/2013/Aa2 dated 12.10.2018 and also the proceeding of the appellate authority Na.Ka.2996/2014 Aa1 dated 09.11.2018 and quash the same as null and void and against the basic principle of natural justice and consequently directing the respondents 3-6 to pass appropriate order by granting the periodical relief of increment from the year 01.11.1997 onwards till the date of retirement on 30.06.2013 by granting all service and monetary benefits with 18% interest till the date of realization.

For Petitioner : Mr.G.Thangavel

For Respondents : M/s.V.Yamuna Devi
Special Government Pleader

ORDER



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Heard Mr.G.Thangavel, learned counsel for the petitioner and

M/s.V.Yamuna Devi, learned Special Government Pleader appearing for the respondents.

2. The case of the petitioner in brief is that he had joined the service as Village Administrative Officer-trainee on 26.10.1987 and thereafter worked at various places; that while serving as Village Administrative Officer in Gundri Group Village in Sathyamangalam Taluk, Erode District, the fifth respondent had placed him under suspension vide proceedings dated 22.02.1996 alleging that he had misbehaved in SathyTaluk Office under the influence of intoxication and was arrested on 20th February, 1996 and remanded to Police custody; that the aforesaid order of suspension however, was revoked on 01.11.1997; and that he was allowed to continue his service till he attained the age of superannuation and finally retiring from service on 30.06.2013.

3. The petitioner further contended that in the criminal



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prosecution initiated against him under the provisions of Prohibition Act

he was acquitted by the concerned Judicial Magistrate; that on account of the acquittal in the criminal prosecution initiated against him, the charge on the basis of which he was placed under suspension stood disproved; and that the Sub-Collector without taking into consideration the order of acquittal in the criminal prosecution wrongly awarded the punishment of stoppage of increment with cumulative effect for 3 years on the basis of the Enquiry Officer report dated 24.03.1999.

4. It is the further contention of the petitioner that aggrieved by the aforesaid order of punishment, he had preferred an appeal to the fourth respondent herein, who by order dated 10.01.2000 modified the order of punishment of the fifth respondent into one of *“treating the suspension period as substantive punishment without pay”*.

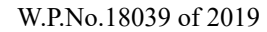
5. The petitioner further contended that though his subsequent Revision Petition before the second respondent did not result in any favourable order and his further revision to the first respondent, also did



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not meet success, on account of the modification of the order of punishment of stoppage of increment with cumulative effect for 3 years to one of “*treating the suspension period as substantive punishment without pay*”, the respondents ought to have granted benefit of increment of pay with effect from 01.11.1997 onwards; that as the benefit of increment of pay was not granted, he had approached the sixth respondent and submitted representation dated 02.04.2006; that as the aforesaid representation did not receive due consideration, he had approached this Court by filing the Writ Petition vide W.P.No.21148 of 2007; and that this Court by order dated 13.07.2018 directed the sixth respondent to dispose of the representation of the petitioner dated 02.04.2006 on merits and in accordance with law.

6. The petitioner contended that on this Court passing the order dated 13.07.2018 directing the sixth respondent to dispose of the representation dated 02.04.2006, the impugned order came to be passed by the sixth respondent rejecting the claim without any valid reason



7. Counter affidavit on behalf of the sixth respondent is filed.

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considered, which claim of the petitioner is in correct.

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9. The respondents by the counter affidavit claimed that pursuant to the order of this Court in W.P.No.21148 of 2007 dated 13.07.2018, the sixth respondent passed the order in the memorandum in Na.Ka.6192/2013/A2 dated 12.10.2018, impugned in the present Writ Petition. The respondents by the counter affidavit further contended that in the mean time, the pay of the petitioner was fixed vide proceedings in Na.Ka.6192/2013/A2 dated 17.04.2018 with relevant increments with effect from 01.11.1997 up to his date of retirement on 30.06.2013 A.N leaving the Non-Qualifying service for the period from 20.02.1996 to 31.10.1997 since, the said period of suspension was treated as “*Substantive Punishment without pay*” vide proceedings of the fourth respondent dated 10.01.2000.

10. The respondents by the counter affidavit further contended that as per Rule 24 of the Fundamental Rules of the Tamil Nadu an

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increment shall ordinarily be drawn as a matter of course unless it is

withheld. Since, the petitioner was imposed with punishment initially of
stoppage of increment with cumulative effect for 3 years, which order
was modified in appeal to one of treating the punishment of suspension as
substantive punishment without pay, the respondents following the
procedure under sub-rule 4(a) of Rule 24 of the Fundamental Rules of the
Tamil Nadu Government sanctioned increment leaving the suspension
period from 20.02.1996 to 31.10.1997 and the order modifying the
penalty having attained finality, the petitioner cannot claim of he being
entitled for any benefit for the suspension period nor can she claim that
the respondents not having granted benefit of increment of pay for the
period subsequent to 31.10.1997. Contending as above, the respondents
seeks for dismissal of the Writ Petition.

11. I have taken note of the respective contentions urged.

12. Though the petitioner by the present Writ Petition has



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challenged the action of the sixth respondent in issuing impugned

proceedings dated 12.10.2018, the earlier proceedings dated 17.04.2018

by which the respondents have fixed the pay of the petitioner is not under challenge. Going by the averments in the counter affidavit filed on behalf of the respondents whereby it is stated that the petitioner having been granted the benefit of increment in pay from 01st January, 1996 till the date of he attaining the age of superannuation and retiring from service on 30th June, 2013, A.F excluding the period of suspension as per the order of the fourth respondent dated 10.01.2000 whereby the punishment initially awarded to the petitioner vide order dated 20.02.1996 stood modified, the petitioner cannot claim that his representation has not been considered favourably.

13. Further, on the sixth respondent filing the counter affidavit claiming as above, the petitioner did not choose to file any re-joinder affidavit disputing the aforesaid stand taken by the respondent as not being correct or petitioner having not been granted the benefits as



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claimed in the counter. Further, the petitioner being in receipt of proceedings dated 17.04.2018 by which his pay was fixed with all relevant increments excluding the period of suspension as noted herein above, this Court is of the view that the petitioner has approached this Court by resorting to suppression.

14. In normal circumstances, this Court would have dismissed the Writ Petition on the ground of petitioner resorting to suppression and approaching this Court with unclean hands. However, taking note of the fact that the respondents have issued proceedings dated 17.04.2018 by which it is categorically stated that the pay of the petitioner has been fixed with all relevant increments with effect from 01.11.1997 till the date of retirement on 30.06.2013 excluding the period of suspension, this Court is of the view that no further orders are necessary in the present Writ Petition, as the main grievance of the petitioner stands redressed. However, it is to be noted that the petitioner cannot be allowed to go scot free without being warned to be cautious and not to make false assertions



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on oath.

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15. Subject to above observation, this Writ Petition is disposed of.

No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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T.VINOD KUMAR, J..

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Pre-Delivery Order in
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