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W.P. No.34780 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.34780 of 2014

and

M.P.No.2 of 2014

Anbarasan

... Petitioner

Vs.

1.The District Collector,
Thanjavur, Thanjavur District.

2.The Principal Secretary cum
Commissioner of Revenue Administrative &
Disaster Management,
Ezhilagam, Chennai – 5.

3.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai – 9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the respondents in connection with the impugned orders passed by the 1st respondent in Na.Ka.No.92976/2009/A4 dated 04.08.2010 and confirmed by the 2nd respondent in Na.Ka.No.Pani.4(4)/83521/2010 dated 15.09.2012 and quash the same and grant such further relief.

For Petitioner : Mr.K.Venkataramani, Senior Counsel

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for Mr.M.Muthappan

For Respondents : Mr.P.Ganesan
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the orders passed by the 1st respondent bearing Na.Ka.No.92976/2009/A4 dated 04.08.2010 as confirmed by the 2nd respondent in proceedings bearing Na.Ka.No.Pani.4(4)/83521/2010 dated 15.09.2012, imposing the punishment of stoppage of increment with cumulative effect for one year on the petitioner and modifying the same as stoppage of increment for two years without cumulative effect.

2. Heard Mr.K.Venkataramani, learned Senior Counsel for the petitioner and Mr.P.Ganesan, learned Additional Government Pleader for the respondents.

3. During the course of hearing, it is brought to the notice of this Court that, on the very same allegation levelled against the petitioner herein, disciplinary proceedings were also initiated against the Tahsildhar by name Mr.Venkatachalam, and an identical punishment was imposed by the disciplinary authority, namely the 1st respondent, by imposing the punishment



of stoppage of increment without cumulative effect for six months against the said Mr.Venkatachalam. However, the said punishment was set aside by the 2nd respondent. Whereas, the case of the petitioner was treated differently by imposing the punishment of stoppage of increment for two years without cumulative effect. In appeal, the said Mr.Venkatachalam was exonerated, on the ground that the beneficiary who happens to be the brother of the petitioner herein, was infact working as Reporter of a Newspaper and thereby his eligibility cannot be questioned. However, when the case of the petitioner came up for consideration, he is alleged to have been treated differently and punishment of stoppage of one increment for two years without cumulative effect was imposed on the him, while exonerating the Tahsildhar concerned fully. Under those circumstances, the petitioner also stated to have filed revision petition dated 02.07.2013 before the 3rd respondent, and the same was pending by the date of filing of the present writ petition.

4. The respondents also filed counter affidavit and stated that the said revision petition filed by the petitioner was under consideration. As the revision petition filed by the petitioner was pending for consideration before the 3rd respondent, this Court is not inclined to go into the merits of the case



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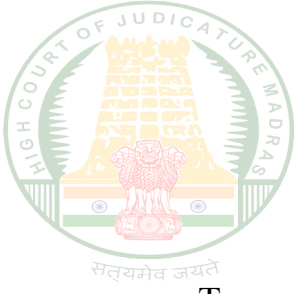
and is of the considered view that it would be appropriate to direct the 3rd respondent to dispose of the said revision petition duly taking into consideration the orders passed in respect of Tahsildhar, by the 2nd respondent herein.

5. Accordingly, the writ petition is disposed of directing the 3rd respondent to dispose of the revision petition dated 02.07.2013 filed by the petitioner against the impugned order and to pass appropriate orders thereon in accordance with law duly taking into consideration the orders passed in respect of Mr.Venkatachalam, Tahsildhar vide proceedings Na.Ka.No.Pani.3(3)/83359/2010 dated 20.09.2011 as expeditiously as possible, at any rate, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

21.01.2025

dpa
Index : Yes/No
Speaking Order : Yes/No



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MUMMINENI SUDHEER KUMAR,J.

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