BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD)No.1761 of 2025

S.Balakrishnan ... Appellant / Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 5.

2.The Principal Secretary to Government,
Municipal Administration and
Water Supply (ME-4) Department,
Fort St.George,
Chennai – 9. ... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the appeal and set aside the order of this Court dated 12.12.2024 in W.P(MD)No. 22207 of 2018.

For Appellant : Mr.C.Godwin

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellant is a retired bill-collector. He was serving as Revenue Assistant in Nagercoil Municipality. On 14.08.2021, he was issued with charge memo containing the following articles of charges:

"Charge 1:

"That you Thiru S.Balakrishnan, Revenue Assistant, Nagercoil Municipality has failed to bring notice to the higher officials about the newly constructed building namely "Anbu Illam", Kalliancaud, Nagercoil without getting prior plan approval.

Charge 2:

"That you Thiru.S.Balakrishnan, Revenue Assistant, Nagercoil Municipality has failed to fix property tax of about mentioned building at the appropriate time which was resulted in loss of Rs.5,14,278/- to the Municipality during the year from 2007-2008 to 2010-201 as noted in Annexure II."

Charge 3:

"That you Thiru.S.Balakrishnan, Revenue Assistant, Nagercoil Municipality has failed to carry out the instructions issued with regard to assessment of buildings for property tax

and thus you have derelicted from your legitimate duty and violation of Rule 21 of the Tamil Nadu Municipal Servant Conduct Rules 1979 as noted in the Annexure – II."

2.An Enquiry officer was appointed and he submitted a report holding that the charges framed against the appellant stood proved. The disciplinary authority vide proceedings dated 31.03.2016 concurred with the findings of the enquiry officer and imposed punishment of cut in pension at the rate of Rs. 2000/- per month for a period of 3 years. Aggrieved by the same, the appellant filed an appeal before the Government. The Government vide G.O(D)No.331 Municipal Administration and Water Supply (ME.4) Department dated 13.08.2018 rejected the appeal. Challenging the same, the appellant filed W.P(MD)No.22207 of 2018. The learned single Judge vide order dated 12.12.2024 dismissed the writ petition. Aggrieved by the same, this Writ Appeal has been filed.

3.The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal. His prime argument was that the municipality has not suffered any loss and that therefore interference is warranted.

4.Per contra, the learned Additional Government Pleader submitted that the learned single Judge had rightly held that the scope for judicial review in such matter is rather limited and that therefore there is no merit in this writ appeal.

5.We carefully considered the rival contentions and went through the materials on record.

6.The articles of charge had already been extracted. The appellant submitted his reply on 20.01.2012. We carefully went through the appellant's reply. The appellant had admitted in his reply that assessment was belatedly levied. It is seen from the records that one Russel Raj had constructed the building, named “Anbu Illam” in the year 2007 itself without obtaining any approval. The charge against the appellant was that if he had brought the same to the notice of the municipal authorities and included the same for assessment, property tax could have been collected from the year 2007 itself. However, the fact remains that the assessment was levied only in September 2010. Thus, for more than 3 years, the construction put up by Russel Raj was not levied with any property tax. This was the charge against the appellant and the appellant had also admitted that he did not assess the building immediately. He was given due opportunity. The learned single Judge had also noted that due process was adopted. Therefore, in exercise of jurisdiction under Clause 15 of Letters Patent, we do not propose to interfere. There is no merit in this writ appeal.

7.This Writ Appeal stands dismissed. There shall be no order as to costs.

[G.R.S., J.] [K.R.S., J.]
02.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The Commissioner of Municipal
Administration,
Chepauk,
Chennai – 5.

2.The Principal Secretary to Government,
Municipal Administration and
Water Supply (ME-4) Department,
Fort St.George,
Chennai – 9.

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)No.1761 of 2025

02.07.2025