BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.18766 of 2025

and

W.M.P.(MD)No.14398 and 14400 of 2025

S.Ravikumar : Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Revenue Administration and Disaster
Management Department,
Secretariate, Chennai.

2.The Additional Secretary/
The Commissioner of Revenue Administration,
Revenue Administration and Disaster
Management Department,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Tirunelveli,
Tirunelveli District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the third respondent vide his proceedings in Na.Ka.A6/32281/2014 dated 10.07.2023 and the consequential impugned order passed by the first respondent vide proceedings in G.O.(2Pa)No.338, Revenue and Disaster Management [Pani4(1)] Department dated 29.05.2025 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.S.R.A.Ramachandhran
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order passed by the third respondent vide his proceedings in Na.Ka.A6/32281/2014 dated 10.07.2023 and the consequential impugned order passed by the first respondent vide proceedings in G.O.(2Pa)No.338, Revenue and Disaster Management [Pani4(1)] Department dated 29.05.2025.

2.The petitioner herein was initially appointed as Revenue Assistant on 26.07.2004. Thereafter, he was promoted as Deputy Tahsildar on 01.07.2011 and then Tahsildar on 04.07.2015. Further on 15.05.2025, the petitioner was appointed as Personal Assistant to District Supply Officer. While so, the petitioner was issued with a charge memo dated 02.06.2020 alleging that while he was serving as Tahsildar, in respect of Survey No.1748/1, Vadakku Valliyoor Village, Tirunelveli, the petitioner has mutated the patta by making sub division in favour of some other person, who is not entitled for the same along with other two incidental charges. In response to the same, the petitioner has given a detailed explanation and the Enquiry Officer submitted a report stating that the first charge is proved and the other charges are not proved.

3.Even though, the enquiry was completed, no action was taken to conclude the disciplinary proceedings. Therefore, the petitioner filed W.P.(MD)No.7037 of 2023 and this Court by an order dated 29.03.2023 disposed the said writ petition with a direction to pass final orders within a period of eight weeks. The third respondent, in pursuant to the said direction, has issued the proceedings dated 10.07.2023 imposing the punishment of stoppage of increment for a period of one year with cumulative effect. Aggrieved by the said order, the petitioner filed an appeal before the second respondent. During the pendency of the appeal, the case files were forwarded to the first respondent, who in turn has passed an order stating that the order dated 10.07.2023 was not issued by the competent authority and the first respondent took *suo-motu* revision under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 by setting aside the order of the original authority and issued the punishment of stoppage of one year increment with cumulative effect. Challenging the said order of punishment issued by the original authority as well as the first respondent, the petitioner has filed the present writ petition.

4.The learned counsel for the petitioner submits that before imposing the punishment of stoppage of increment, no reasonable opportunity of hearing was given to the petitioner. The petitioner has mutated the patta as per the Revenue Standing Orders. Further, while invoking the power of suo motu review and passing orders as against the petitioner, the first respondent has also not issued any notice to the petitioner. If at all the first respondent arrived at a conclusion that the original authority has no jurisdiction to impose punishment, it is the duty caste upon the first respondent to remand the matter back to the original authority. Instead, he suo motu usurped the powers of the original authority and imposed punishment, which is not sustainable one. Hence, he seeks appropriate orders.

5.Per contra, the learned Additional Government Pleader appearing for the respondents submits that after receiving complaint as against the petitioner, enquiry officer was appointed and notice was issued by the enquiry officer to the petitioner. The petitioner has also submitted his explanation for the said notice stating that the field inspection was conducted by his subordinates and the revenue records were mutated in the name of Mani based on the civil Court proceedings. It is to be noted that the suit in O.S.No.315 of 2015 is pending between the complainant and one Mani, in whose name the revenue records were mutated. Even after informing about the pendency of the civil suit, the petitioner has mutated the revenue records. Though the petitioner stated that he has mutated the records based on the civil Court proceedings, he has not produced any material records to substantiate the same.

6.He would further submit that the allegation was made as against five employees of the Revenue Department. Under Rule 9-A of the Tamil Nadu Civil Services and (Discipline and Appeal) Rules, in a case, where more than one Government Servant are jointly involved, the disciplinary proceedings has to be initiated as against the delinquents. Thereby, the third respondent proceeded to issued the punishment of stoppage of increment for a period of one year with cumulative effect.

7.It is the further submission of the learned Additional Government Pleader that though the third respondent had conducted enquiry, he is not the competent authority to initiate disciplinary proceedings as against the petitioner. Therefore, the first respondent has taken the revision on file under Rule 36 of the Tamil Nadu Civil Services and (Discipline and Appeal) Rules and after analyzing the records, has passed the order of punishment as against the petitioner and the same need not interfered.

8.Considered the rival submissions made on either side and perused the materials placed on record.

9.Admittedly, the petitioner received an application for mutation of revenue records. Under the provisions of the Patta Passbook Act, the petitioner is entitled to mutate the revenue records. Accordingly, he mutated the revenue records based on the application made before him. If the complainant is aggrieved by such mutation, he has to prefer an appeal before the Revenue Divisional Officer. Instead of preferring appeal, initiating disciplinary proceedings and imposing punishment as against the petitioner is not sustainable.

10.Further, though it is stated that a suit has been filed with regard to the suit proceedings and it is stated that it has been informed to the petitioner, no document has been produced before this Court to prove the said contention of the respondents. Further, in the suit, there is no restraint order as against the revenue officials. In the absence of any restraint order, the petitioner exercised his power vested under the provisions of the Patta Passbook Act and mutated the revenue records.

11.With regard to the power exercised by the first respondent, it is useful to reproduce the provisions set out in Rule 36 of the Tamil Nadu Civil Services and (Discipline and Appeal) Rules as under:

"***36. REVISION***

(1) Notwithstanding anything contained in these rules - (i) the State Government; or

(ii) the head of the department directly under the State Government, in the case of a Government servant serving in a department or office under the control of such head of the department, or departments; or

(iii) the appellate authority, other than the State Government, within six months of the date of the order proposed to be revised; or

(iv) any other authority specified in this behalf by the State Government by a general or special order, and within such time as may be prescribed in such general or special order ; may at any time, either on their or its own motion or otherwise call for the records of any inquiry and after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary and revise any order made under these rules, may -

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as they or it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government Servant concerned has been given a reasonable opportunity of making his representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (iv), (v), (vi), (vii) and (viii) of rule 8 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under sub-rule (b) of rule 17 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in the said sub-rule (b) of rule 17 which shall be subject to the provisions of sub-rule (c) thereof, and except after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary:*

**(Vide G.O.Ms.No.117, P&AR(N) Department, dated 28.9.2011)*

Provided further that no power of revision shall be exercised by the head of the department, unless --

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced --

(a) Where no appeal has been preferred, before the expiry of the period of limitation for an appeal, or

(b) Where an appeal has been preferred, before the disposal of such appeal.

(c) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

12.Perusal of the above Rule makes it clear that during the pendency of the appeal, the power of revision cannot be invoked. Further, while exercising the power of revision available for the Appellate Authority under the above said rule, the appellate Authority has to deal with the revision in the same manner as if it were an appeal under the Rules. In the present case, the first respondent without providing any opportunity to the petitioner, has simply usurped the powers of the original authority and imposed punishment. Thereby, the procedure adopted by the appellate authority/first respondent is impermissible and is contrary to the Rules in force.

13.In view of the above deliberations, the order of punishment imposed as against the petitioner by the original authority vide order dated 10.07.2023 and the appellate authority vide order dated 29.05.2025 are hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

22.08.2025

Index : Yes / No
NCC : Yes / No
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The Commissioner of Revenue Administration,
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M.DHANDAPANI, J.

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