BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2026**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.826 of 2026
and
C.M.P.(MD)No.6861 of 2026

1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Revenue Administration and Disaster
Management Department,
Secretariat, 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. ...Appellants

Vs.

S.Ravikumar ...Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.18766 of 2025 dated 22.08.2025.

For Appellants	:	Mr.S.Venkatesh Counsel for the State
For Respondent	:	Mr.M.Ajmal Khan Senior Counsel for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by **N.SATHISH KUMAR, J.)**

Challenging the order of the learned Single Judge, in and by which the writ petition filed challenging the order of the punishment issued by the revisional authority came to be allowed, this writ appeal has been filed.

2.The brief facts leading to the filing of this writ appeal, are as follows:

(i)The first respondent was serving as Tahsildar and he was issued with a charge memo dated 02.06.2020 to the effect that he has mutated the patta by making sub division in favour of some other persons, who are not entitled for the same along with two incidental charges. Three charges were framed as against the first respondent. The first charge is for without making proper enquiry, he made mutation in the revenue records, the second charge is that he has issued patta to the person, who is not entitled legally; and third charge is for dereliction of duty.

(ii)The Enquiry Officer, upon enquiry found that charge No.1 has been proved, whereas the the second charge has not been proved. Based on the said enquiry report, the disciplinary authority has imposed punishment of stoppage of increment for a period of one year with cumulative effect. The said order of punishment has been challenged by the first respondent before the appellate authority. The appellate authority, having set aside the punishment on the ground that the original authority, who passed the order of punishment, is not the competent authority to impose punishment, invoked *suo motu* power under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and reiterated the punishment imposed by the original authority. The said order was put in challenge before the learned Single Judge.

(iii)The learned Single Judge taking note of the rule position particularly, Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, came to the conclusion that during the pendency of the appeal, the power of revision cannot be exercised. Further, no opportunity whatsoever, has been given to the first respondent. Accordingly, the learned Single Judge set aside the order of punishment imposed as against the first respondent. Challenging the same, this writ appeal is filed by the State.

3.The learned Counsel for the State would submit that having set aside the order of the appellate authority on the grounds of violation of principles of natural justice and lack of jurisdiction, ought to have remanded the matter back to the appellate authority for reconsideration by providing sufficient opportunity to the first respondent before deciding the issue. Without doing so, the learned Single Judge has set aside the entire punishment.

4.We have heard the learned counsel appearing on either side and perused the materials placed on record.

5.The charges were mainly framed for passing a wrong order in mutating the records. The allegation did not pertain to corruption, *mala fide*, or any extraneous consideration, but was confined to the exercise of quasi-judicial power in effecting mutation entries. Though two charges were framed in that regard, the Enquiry Officer found that Charge No.1 was established and rejected the second charge. It was specifically recorded that one Mani alone was entitled to patta.

6.Be that as it may, there cannot be any different yardstick for different charges. It is after all mutation of records based on certain rights conferred upon the writ petitioner for effecting mutation of revenue records in exercise of his quasi judicial power. Therefore, merely passing a wrong order in the absence of any charge of corruption or extraneous consideration, as a matter of right, the disciplinary proceedings should not be initiated. This has been held by the Hon'ble Supreme Court in the judgment of ***Amresh Shrivastava vs. The State of Madhya Pradesh and others [2025 Live Law (SC) 376].***

7.Now the question to be decided is whether the revisional authority can validly exercise *suo motu* revisional power under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules when an appeal against the same order is pending before the appellate authority.

8.For better appreciation, Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, is extracted below:

*" **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."

9.Perusal of above said Rule makes it clear that when the appeal is already pending, the power of *suo motu* revisional power cannot be entertained. However, the appellate authority treated the appeal as a matter falling within its revisional jurisdiction and proceeded suo motu to convert the proceedings into a revision. In revision, the authority again restored the very same punishment originally imposed.

10.Even if the appellate authority was of the view that the order of the original authority required to be set aside and the entire proceedings be treated as a revision, the proper procedure to be followed by the revisional authority is to afford due opportunity to the parties concerned. Without providing such opportunity of hearing, the order of the original authority could not be confirmed as a matter of course. Therefore, we do not find any infirmity in the order of the learned Single Judge.

11.No doubt, this Court normally would have remanded the matter to the revisional authority, since the order of the revisional authority is in violation of principles of natural justice and lacks jurisdiction. However, considering the nature of the case and the fact that mere passing of an erroneous order being a quasi-judicial authority, in the absence of allegations of corruption or extraneous consideration, would not ordinarily justify disciplinary action, we declined to remand the matter for fresh consideration once again before the revision authority.

12.Accordingly, this writ petition is dismissed confirming the order of the learned Single Judge. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
09.06.2026

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AND
M.JOTHIRAMAN, J.

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