

Case relating to Departmental Promotion:

Parties : K.S. Vivekanandam Versus The Chief Secretary, Government of Tamil Nadu, Secretariat, Chennai

Court : High Court of Judicature at Madras

Case No : W.P. No. 7922 of 2011 & M.P.No. 1 of 2011

Judges: THE HONOURABLE CHIEF JUSTICE MR. M.Y. EQBAL & THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

Appearing Advocates : For the Petitioners: P. Rathavel, Advocate. For the Respondent: S. Venkatesh, Government Pleader assisted by T.N. Rajagopalan & R. Vijaya Kumar, Additional Government Pleaders.

Date of Judgment : 16-06-2011

Head Note :-

Constitution of India - Article 226 - Tamil Nadu Ministerial Service Rules – Rules 10 and 38(b) (iii) - Revenue Standing Order - Rule 18-B and 21 – To direct the Respondents to take proper and effective steps by directing all the Village Administration Officers in the State to reside in their village - It appears that earlier there part-time hereditary Village Officers functioning, that system was abolished by Tamil Nadu Ordinance and in that place, part-time Village Officers, Full Time Village Administrative Officers were appointed in all the Revenue Villages in the State - post of Village Administrative Officer was brought within the purview of Tamil Nadu Public Service Commission and Rules were amended to the effect that appointments to the post of Village Administrative Officers shall be made by direct recruitment through Tamil Nadu Public Service Commission - According to Rules 10 and 38(b)(iii), every person appointed to the post of Village Administrative Officer shall reside in the village under his charge and shall continue to reside in the village so long as he holds the post –

Court held - a duty cast upon the District Revenue Officer, Revenue Divisional Officers and Tahsildar for strict enforcement of the instructions and for reporting the status to the Government - they have also been requested to take Disciplinary action against the erring Village Administrative Officers - As submitted by the Government Pleader such instructions issued earlier also, it that is so, then why instructions have not been followed by the Village Administrative Officers and if they are, in fact, violating the instructions then why not disciplinary action be taken against the Tahsildar or District Revenue Officer for not discharging their duties and for not monitoring the day to day work of the Village Administrative Officers - if the Village Administrative Officers are not strictly discharging their duties and if any Complaints are received, then disciplinary action may also be take simultaneously against the Superior Officers also for not supervising and enforcing their presence in the village - Petition disposed of.

(Paras 3 and 8) Comparative Citations:

2011 (5) CTC 515, 2011 (4) LLN 770

Judgment :-

(Prayer: Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the Respondents to take proper and effective steps by directing all the Village Administration Officers in the State to reside in their village under their charge and continue to reside in the village so long as they hold the post by enforcing strictly in letter and

spirit the Rule 38(b)(iii) read with Annexure X (Rule 10 of the Annexure) of the Tamil Nadu Ministerial Service Rules in pursuance of the Representation of the Petitioner dated 15.10.2010.)

1. This Writ Petition, styled as Public Interest Litigation, has been filed bringing to the notice of this Court that the Village Administrative Officers appointed by the Government are not strictly discharging their duties by remaining in the village range in which they are posted. It is alleged that most of the Village Administrative Officers reside in the City or the District Head Quarters, as a result of which the villagers residing in the village have been facing much difficulty in obtaining various certificates and espousing their grievances. The Petitioner, therefore, prays that Rule 38(b)(iii) read with Annexure X (Rule 10 of the Annexure) of the Tamil Nadu Ministerial Service Rules must be followed strictly.

2. We have heard the learned Counsel appearing for the Petitioner and the learned Government Pleader.

3. It appears that earlier there had been part-time hereditary Village Officers functioning prior to 14.11.1980. That system was abolished by Tamil Nadu Ordinance dated 14.11.80 and in that place, part-time Village Officers, Full Time Village Administrative Officers were appointed in all the Revenue Villages in the State. Later on, the post of Village Administrative Officer was brought within the purview of Tamil Nadu Public Service Commission and the Rules were amended to the effect that appointments to the post of Village Administrative Officers shall be made by direct recruitment through Tamil Nadu Public Service Commission. According to Rule 10 of Annexure read with Rule 38 (b)(iii) of the Tamil Nadu Ministerial Service Rules, every person appointed to the post of Village Administrative Officer shall reside in the village under his charge and shall continue to reside in the said village so long as he holds the post.

4. At this stage, we must mention that the nature of work of Village Administrative Officers inter alia is that they shall maintain Village Revenue Records, collect various taxes including Land Tax, sending report with regard to Community Certificate, Income Certificate, Nativity Certificate and assessment of property value. They are also required to discharge the duty of maintaining Birth and Death Registers, sending information about the fire accidents, floods, cyclone and other natural calamities to the superior officers, giving information to the Police with regard to murder, suicide and suspicious death and also to assist them in investigation. The Village Administrative Officers have also been assigned many other works, which could be discharged only when the Village Administrative Officers remain in the village.

5. According to Rule 18-B of the Revenue Standing Order, the Village Administrative Officer will be primarily responsible for the protection and preservation of avenue trees on all public roads lying within the limits of their village and also for loss or damage due to felling or theft of tress, etc. As per the Standing Order earlier applicable to the Village Officers, it was provided that in case of negligence in discharge of duties, disciplinary action shall be initiated immediately. Rule 21 of the Revenue Standing Order also entrust a duty on the Village Administrative Officers that they will be held responsible for preventing and reporting encroachments.

6. We also took judicial notice of the fact that the Village Administrative Officers or the Doctors posted in the Primary Health Centres are not discharging their duties by residing in the village, rather they like to reside in the City or District Head Quarters and discharge their duties from there or in the alternative going to the Village few days in a month.

7. Learned Government Pleader submitted that time to time instructions were issued to the Village Administrative officers to discharge their duties by residing in the village and again

Instructions has been issued on 15th June, 2011 by the Principal Secretary to Government, Revenue Administration, Disaster Management and Mitigation Department, Government of Tamil Nadu. The Instruction reads as under:

“REVENUE ADMINISTRATION, DISASTER MANAGEMENT AND MITIGATION DEPARTMENT

From:

Thiru K. Gnanadesikan, I.A.S.,
Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chennai – 600 005.
Letter No. Ser. 5(1)/31235/2011 dated 15.6.2011
Sir/Madam,

To
All District Collectors

Sub: Village Administration – Village Administrative Officers – Non-resident in charge villages–
Instruction to reside in the charge village – issued.

Ref: (1) Govt. Lr (Ms.) No.490, Revenue Department dt.25.8.2005.
(2) This Office Circular No.41/2005-Ser.5 (1J/67393/2005 dated 1.10.2005.
(3) This Officer R.C. No. Ser.5(1)/31235/2005 dated 6.5.2010

I invite your immediate attention to the reference cited.

2. A Public Interest Litigation Petition was filed in the Honourable High Court with a prayer to enforce in letter and spirit that the Village Administrative Officers should reside in the respective charge villages. 3. Instructions in this regard have already been issued by the Government and from this office. These instructions are reiterated and the District Collectors are directed to suitably instruct the District Revenue Officer, Revenue Divisional Officers and Tahsildars to ensure that the Village Administrative Officers reside in respective charge villages and discharge their duties. In this connection, I request you to organize random checks through District Revenue Officer, Revenue Divisional Officers and Tahsildars for strict enforcement of the Government/Commissioner of Revenue Administration's instruction. You may also check a fair number of villages and report the status of enforcement to this office.

4. You are requested to take disciplinary action against the erring Village Administrative Officers in this regard.

5. The receipt of this letter should be acknowledged by wire.

Yours faithfully,

Sd/- K. Gnanadesikan,
Principal Secretary,
Commissioner of Revenue Administration
Sd/- for Principal Secretary,
Commissioner of Revenue Administration”

8. From a bare perusal of the aforesaid instruction, a duty has been cast upon the District Revenue Officer, Revenue Divisional Officers and Tahsildar for strict enforcement of the instructions and for reporting the status to the Government. They have also been requested to take Disciplinary action against the erring Village Administrative Officers. As submitted by the learned Government Pleader such instructions have been issued earlier also. It that is so, then why instructions have not been followed by the Village Administrative Officers and if they are, in fact, violating the instructions then why not disciplinary action be taken against the Tahsildar or the Revenue Divisional Officers or District Revenue Officer for not discharging their duties and for not monitoring the day to day work of the Village Administrative Officers.

9. Having regard to the instructions issued by the Government, we, therefore, dispose of this Writ

Petition with a direction that if the Village Administrative Officers are not strictly discharging their duties and if any Complaints are received, then disciplinary action may also be take simultaneously against the Superior Officers also for not supervising and enforcing their presence in the village. No costs. Consequently, Miscellaneous Petition is closed.

10. We direct the Principal Secretary/Commissioner of Revenue Administration, Government of Tamil Nadu to communicate or circulate this order to all District Collectors, Revenue Divisional Officers and upon the Village Administrative Officers.