



Writ Petition No.10380 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.06.2024

WEB COPY

Coram

THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY

Writ Petition No.10380 of 2024&W.M.P.No.11376 of 2024

M.Paulpandi
S/o.Mokkaraju

.. Petitioner

vs.

State of Tamil Nadu
Rep. By
Secretary to the Government
Commercial Taxes and
Registration (H1) Department
Secretariat, Chennai – 9

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in Letter No.3026620/H1/2022-5, dated 20.02.2024 with annexure and quash the same being it is arbitrary, discriminatory, unfair, unconstitutional, illegal, unjust, has no sanction of law, without jurisdiction, not sustainable under law, null and void and nullity and direct the respondent to accept the report of the Commissioner for Disciplinary proceedings, Madurai in TDP Case No.5/2018 consequently to pass appropriate orders.

For Petitioner : Mr.Navaneetha Krishnan
Senior counsel
for Mr.R.Naveen

For Respondent : Mr.B.Vijay
Additional Government Pleader



WEB COPY



Writ Petition No.10380 of 2024

O R D E R

This writ petition is filed challenging the notice dated 20.02.2024 issued by the respondent. By the said notice, the respondent being the Disciplinary Authority, had considered the findings of the Commissioner for Disciplinary Proceedings, Madurai(the Enquiry Authority), and disagreed with the findings and holds the charges as proved for the reasons stated in the annexure to the impugned notice. Therefore, the petitioner is called upon to submit further representation regarding the same within 15 days from the date of receipt of the said notice.

2. The petitioner's case is that he is working as Assistant Inspector General of Registration (Zonal) Madurai. A surprise check was held on 12.01.2018 jointly by the Vigilance and Anti-Corruption and the District Deputy Inspector Cell Officer when the petitioner was working as District Registrar, Madurai South. Thereafter, a charge memorandum dated 26.06.2019 containing two charges was issued against the petitioner. The said charges read as follows:

“Charge-1

You Thiru.P.Paulpandi, Accused Officer-1 were habitually collecting



WEB COPY



Writ Petition No.10380 of 2024

illegal gratification from subordinates during the meetings conducted by you, and that on 12.01.2018 also, at 18.30 hrs, you had collected illegal gratification of Rs.3,000/- from your subordinate officer Thiru.N.Ramesh Babu, Sub-Registrar, Peraiyur, and on 12.01.2018 at 18.40 hrs, you were about to collect illegal gratification from three of your subordinate officer viz., (1) Rs.3,000/- from Thiru.S.Balamurugan, Sub-Registrar, Kallikudi (2) Rs.5,000/- from Thiru.P.S.Haja Mohideen, Sub-Registrar, Thiruparankundram and (3) Rs.18,000/- from Thiru.A.Karuppasamy, Assistant, Arasaradi Sub-Registrar Office.

Charge-2

You Thiru.M.Paulpandi (Accused Officer 1), Thiru.S.Arun Mahesh (Accused Officer 2), Tmt.T.Rajathilagam (Accused Officer 3) and Thiru.A.Maheboob Batcha (Accused Officer 4) were found in possession of unaccounted cash presumably ill-gotten money of Rs.4,100/-, Rs.1,510/-, Rs.1,500/- and Rs.3,790/- respectively on 12.01.2018 between 18.40 hrs and 23.00 hrs.

Hence the Accused Officers 1 to 4 have failed to maintain absolute integrity and devotion of duty, and contravened Rule 20(1) of the Tamilnadu Government Servants Conduct Rules, 1973.”

3. The petitioner denied the charges against him. The petitioner's explanation was not accepted and the matter was referred for enquiry to the Commissioner of Departmental Enquiries, Madurai. After a detailed oral enquiry, the Enquiry Officer found that on appreciation of evidence of PWs 1, 2, 5, 6 and 7 and Investigating Officer PW17, the charges



against the petitioner as not proved. Two years after the report, now the present show-cause notice is issued.

4. The petitioner contends that there is a huge unexplained delay of two years from the date of submission of the report by the Enquiry Officer and the present show-cause notice. The said delay vitiates the entire proceedings; therefore, at this belated point, the respondent cannot be permitted to differ from the findings of the Enquiry Officer and proceed in the matter further. It is the further contention of the petitioner that in any event, when the enquiry report is in favour of the petitioner, the petitioner ought to have been allowed to make a further representation to the respondent to persuade him to accept the report, but no such opportunity whatsoever was granted. The impugned show-cause notice is straight away issued. It can be seen from the impugned show-cause notice that already the respondent has come to the conclusion that the Enquiry Officer's findings have to be disagreed and the charges are proved. Therefore, the further opportunity, which is now granted to submit an explanation within 15 days, is only a post-facto hearing and as such, is not an opportunity at all. Thus, the impugned show-cause notice is violative of the principles of natural justice.



5. Given the legal grounds raised, notice was issued to the respondents and the learned Additional Government Pleader appearing on behalf of the respondent contested the legal submissions based on the impugned show-cause notice and by placing the communications dated 28.02.2022 and 11.01.2023 by which it is submitted that there was some mistake in the Annexures and pages, when the enquiry report was initially submitted. It came to light when the report was scrutinized. Thereafter, once again corrected report was received on 23.11.2022. A communication was sent on 11.01.2023 and thereafter, the matter was taken up for scrutiny and the impugned show-cause notice was issued, therefore, there is no unexplained delay in the matter. In any event, in the absence of any prejudice which is caused to the petitioner, mere delay alone would not vitiate the proceedings. The learned counsel would submit that the wordings of the show-cause notice are made, according to the format which is circulated and the conclusion reached by the Disciplinary Authority is only a tentative conclusion to be put across to the petitioner to elicit his explanation and only upon considering the explanation, the final finding will be reached. Therefore, there is no infirmity whatsoever in the impugned show-cause notice.



6. *Mr. Navaneetha Krishnan*, learned Senior counsel appearing on

behalf of the petitioner would submit that when the enquiry report was submitted in February 2022 itself, the impugned show-cause notice is now issued in the year 2024. The delay is huge, unexplained and therefore, causes grave prejudice to the petitioner. The learned Senior counsel would further submit that when the respondent has chosen to disagree with the Enquiry Officer, the same should have been done only after granting of an opportunity to the petitioner. From a reading of the show-cause notice and the reasons annexed thereto, it would be clear that the respondent has come to a final conclusion regarding disagreement with the enquiry report and therefore, any opportunity of making a representation is only a post decisional opportunity and thus, the petitioner is not granted a fair opportunity to represent his case.

7. The learned Senior counsel would submit that even from the reasons which are mentioned in the Annexure it would be clear that it relies upon the statement of Ramesh Babu, which is a very weak piece of evidence and from a reading of his statement it would be clear that he has not categorically deposed about any demand for bribe. Similarly, placing reliance of the submission of one Karuppasamy is also uncalled for since he has not stated that he has brought the money to pay any



illegal gratification. In view thereof, the reasons which are mentioned in the Annexure are also perverse.

8. The learned Senior counsel would take this Court through the judgment of the Supreme Court of India in *State of Uttar Pradesh and Another Vs. Man Mohan Nath Sinha and Another [(2009) 8 SCC 310]* to delineate the nature of the power of judicial review by placing reliance on paragraph 15 of the said judgment. The learned Senior counsel would further place reliance on the judgment of the Constitution Bench of the Supreme Court in *Managing Director, E C I L, Hyderabad and Others Vs. B. Karunakar and Others* reported in *(1993) 4 SCC 727*, more specifically paragraphs 54 to 57, to contend that an opportunity ought to have been given to be petitioner at the time of consideration of the report of the Enquiry Officer. In the absence of the same, when the Disciplinary Authority has come to a final conclusion to disagree with the Enquiry Officer, then the opportunity which is now proposed to be granted, is only a post-decisional opportunity and as such is violative of principles of natural justice.



9. The learned Senior counsel would rely upon the judgment of this Court in *S. Matheswaran Vs. The State of Tamil Nadu* [W.P.No.6810 of 2023], more specifically upon paragraph 8 to contend that the delay on the part of the respondent in further issuing the show cause notice after the submission of the enquiry report is inordinate and the Court should interfere with the same.

10. The learned Senior counsel would rely upon the judgment of the Hon'ble Supreme Court of India in *Government of India Vs. Citedal Fine Pharmaceuticals, Madras and Others* reported in [(1989) 3 SCC 483], more particularly paragraph 6 to contend that even in the absence of any period of limitation prescribed for conduct of Disciplinary proceedings, the authorities should complete the same within a reasonable period. For the same proposition, the learned Senior counsel would rely upon the judgment of Hon'ble Supreme Court of India in *State of Gujarat Vs. Patel Raghav Natha and Others* reported in (1969) 2 SCC 187. Reliance is also placed on the judgment of Hon'ble Supreme Court of India in *Mohamad Kavi Mohamed Amin Vs. Fatmabai Ibrahim* reported in (1997) 6 SCC 71 to contend that



Writ Petition No.10380 of 2024

disciplinary proceedings should be completed within a reasonable time.

WEB CO The learned Senior counsel also relied on the judgment of the Hon'ble

Supreme Court of India in *Prem Nath Bali Vs. Registrar, High Court of Delhi and Another* reported in (2015) 16

SCC 415 by placing reliance on Paragraphs 24 and 28 whereby the Hon'ble Supreme Court of India observed that the disciplinary proceedings as far as possible should be completed within six months.

Based on the directives, even the Government of India has issued a circular for expeditious completion of the disciplinary enquiry. The

learned Senior counsel would also rely upon the judgment of the Hon'ble Supreme Court of India in *Union of India Vs. P. Gunasekaran*

reported in AIR 2015 SC 545 to contend that under Article 226 of the Constitution of India, it is not the duty of the Court to re-appreciate

the entire evidence but will go only into the question as to whether the enquiry is held by the Competent Authority following the procedure and

ensure that there is no violation of principles of natural justice in conducting the enquiry. When the show-cause notice impugned in the

present writ petition enters a final finding, then this Court has to interfere. No liberty needs to be given to the respondent as there is a

huge delay in the matter.



WEB COPY

11. Per contra, *Mr B. Vijay*, learned Additional Government Pleader appearing on behalf of the respondent, would rely upon the judgment of the Hon'ble Supreme Court of India in *State of Madhya Pradesh and another Vs. Akhilesh Jha and another* in Civil Appeal No.5153 of 2021, more specifically on paragraph 13 to contend that mere delay alone is not a ground for interference. The petitioner should demonstrate before the Court that prejudice is caused to him on account of the delay. The learned counsel relied upon the judgment of the Hon'ble Supreme Court in *Union of India and another Vs. Kunisetty Satyanarayana* reported in (2006) 12 SCC 28 to contend that normally writ petition need not be entertained against a show-cause notice and no extraordinary circumstances are made out in the present case to interfere with the show-cause notice. He would rely upon the judgment of the Supreme Court of India in *J.A.Nailsatam Vs. Prothonotary and Senior Master, High Court of Bombay and Others* reported in (2004) 8 SCC 653 to contend that the enquiry report has to be acted upon by the Disciplinary Authority and the Disciplinary Authority has to apply its mind and if it *prima facie* feels that the



Writ Petition No.10380 of 2024

conclusion reached by the Enquiry Authority is not acceptable, such reasons have to be recorded and with that reasons, opportunity has to be given to the delinquent employee to put forth his version of the matter. Reliance is placed on paragraphs 5, 6 and 7 of the said judgment. Therefore, the learned counsel would submit that the impugned show-cause notice should only be construed as coming to a tentative conclusion as the Disciplinary Authority will come to a final conclusion to differ from the Enquiry Officer only after considering the further submission/ explanation made by the petitioner in that regard.

12. I have considered the rival submissions made on either side and perused the material records of the case.

13. The disciplinary proceedings in the instant case is conducted as per the *Tamil Nadu Civil Services (Discipline and Appeal) Rules*. As per the same, if the Disciplinary Authority *prima facie* concludes that a member of the service under the State had committed a misconduct entailing any of the major penalties mentioned in sub-rule (iv) to (viii) of Rule 8 of said Rules, then a charge memorandum shall be drawn up and the delinquent employee has to be given a reasonable time to put in his



written statement of defence. Thereafter, an oral enquiry shall be held in which the delinquent employee has to be given an opportunity to cross-examine the witness. The Enquiry Officer shall finally submit a report which shall be based on the evidence so recorded. Rule 17b(ii) deals with the procedure to be adopted by the Disciplinary Authority upon receipt of the enquiry report. The same is extracted hereunder:

“ 17(b)(ii) After the inquiry or personal hearing referred to in clause (i) has been completed, the authority competent to impose the penalty specified in that clause, is of the opinion, on the basis of the evidence adduced during the inquiry, that any of the penalties specified in rule 8 should be imposed on the person charged, it shall, before making an order imposing such penalty, furnish to him a copy of the report of the inquiry or personal hearing or both, as the case may be, and call upon him to submit his further representation, if any, within a reasonable time, not exceeding fifteen days. Any representation received in this behalf within the period shall be taken into consideration before making any order imposing the penalty, provided that such representation shall be based on the evidence adduced during the inquiry only. It shall not be necessary to give the person charged any opportunity of making representation on the penalty proposed to be imposed ;

Provided that in every case where it is necessary to consult the Tamil Nadu Public Service Commission, the disciplinary authority shall consult the Tamil Nadu Public



Service Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty:

Provided further that in the case of a person appointed to a post in a temporary department by transfer from any other class or by recruitment by transfer from any other service, the State Government may, at any time before the appointment of such person as a full member to the said post, revert him to such other class or service, either for want of vacancy or in the event of his becoming surplus to requirements or if the State Government are satisfied that he has not got the necessary aptitude for work in the said post, without observing the formalities prescribed in this sub-rule.”

14. It can be seen that the disciplinary authority should form an opinion based on the evidence adduced during the enquiry as to whether any of the penalties specified in Rule 8 should be imposed or not. If it concludes any penalty should be imposed, then an opportunity shall be granted to the delinquent employee to submit his further representation on the enquiry report and such report is to be considered by the Disciplinary Authority. The Rule does not expressly deal with the situation where the Disciplinary Authority proposes to disagree with the findings of the Enquiry Authority. In that case, the matter would be governed by the law laid down by the Hon’ble Supreme Court of India in



Punjab National Bank Vs. Kunj Behari Misra (1998)

7 S C C 84 . It is relevant to extract paragraph 19, which reads as follows:

"19. The result of the aforesaid discussion would be that the principles of natural justice have to be read into Regulation 7(2). As a result thereof, whenever the disciplinary authority disagrees with the enquiry authority on any article of charge, then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the enquiry officer. The principles of natural justice, as we have already observed, require the authority which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer."

(Emphasis Supplied)

15. Similarly in **Yoginath D. Bagde vs. State of Maharashtra (1999) 7 S C C 739** the Supreme Court of India held in paragraph 31 as follows:

"31. In view of the above, a delinquent employee has the



WEB COPY



Writ Petition No.10380 of 2024

right of hearing not only during the enquiry proceedings conducted by the enquiry officer into the charges levelled against him but also at the stage at which those findings are considered by the disciplinary authority and the latter, namely, the disciplinary authority forms a tentative opinion that it does not agree with the findings records by the enquiry officer. If the findings recorded by the enquiry officer are in favour of the delinquent and it has been held that the charges are not proved, it is all the more necessary to give an opportunity of hearing to the delinquent employee before reversing those findings. The formation of opinion should be tentative and not final. It is at this stage that the delinquent employee should be given an opportunity of hearing after he is informed of the reasons on the basis of which the disciplinary authority has proposed to disagree with the findings of the enquiry officer This is in consonance with the requirement of Article 311(2) of the Constitution as it provides that a person shall not be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. So long as a final decision is not taken in the matter, the enquiry shall be deemed to be pending. Mere submission of findings to the disciplinary authority does not bring about the closure of the enquiry proceedings. The enquiry proceedings would come to an end only when the findings have been considered by the disciplinary authority and the charges are either held to be not proved or found to be proved and in that event punishment is inflicted upon the delinquent. That being so,



the "right to be heard" would be available to the delinquent up to the final stage. This right being a constitutional right of the employee cannot be taken away by any legislative enactment or service rule including rules made under Article 309 of the Constitution."

16. Thus, it is clear that even though the Rules say that based on the evidence adduced during the enquiry, the Disciplinary Authority can decide to punish after issuing a show-cause notice, further principles of natural justice have to be read into Rule 17b (ii) that if the Enquiry Officer's report is in favour of the delinquent and if the Disciplinary Authority proposes to disagree, such reasons have to be specifically communicated to the delinquent employee and only after granting him an opportunity to submit further explanation on such reasons to disagree and only after considering the same, punishment can be imposed. Needless to state such communication of the reasons by the Disciplinary Authority can only be tentative and without hearing the delinquent employee, the Disciplinary Authority cannot render any final finding as to the disagreement with the enquiry report and impose a punishment.

17. In this case, the impugned show-cause notice in paragraphs 2 and 3 states as follows:



WEB COPY



Writ Petition No.10380 of 2024

“2. After careful consideration of the report of the Tribunal for Disciplinary Proceedings, Chennai in TDP Case No.5/2018 mentioned in the reference cited, the Government disagree with the findings of the Commissioner for Disciplinary Proceedings, Madurai and holds the charge as “proved” for the reasons stated in the Annexure to this letter.

3. Thiru. M. Palpandi, District Registrar (in the cadre of Assistant Inspector General of Registration) Madurai (Zone) is hereby given an opportunity for making further development in this regard.”

18. The reasons for disagreement are given as Annexure. It is the contention of the learned Senior counsel appearing on behalf of the petitioner that the disagreement is not tentative but it is final. I am unable to agree with the contention of the learned Senior counsel merely because the word “tentative”, which should have been ideally used expressly, is not found in the show cause notice, it would not by itself mean that the Disciplinary Authority has come to a final conclusion that he is in disagreement with the findings of the Enquiry Authority and that the charges are proved. Obviously from fact that the show-cause notice is issued it is clear that the findings are tentative and would be subject to the consideration of the further representation which would be made by



the petitioner in this regard. In an identical facts situation in

**J.A.Naiksata m Vs. Prothonotary & Senior Master,
High Court of Bombay and Others** (cited supra), the Hon'ble
Supreme Court has held in paragraph 7 as follows:

“7. The counsel further contended that from the tentative decision it could be spelt out that the disciplinary authority had already taken a final decision in the matter and the details have been given therein and the opportunity which was given to the appellants was only an exercise in futility. We are not inclined to accept this contention. It is true that the disciplinary authority gave its reasons for disagreement with the report of the Enquiry Officer and the appellants had given their fullfledged explanation and if at all the disciplinary authority gave detailed tentative decision before seeking explanation from the appellants, it enabled them to give an effective representation and the principles of natural justice were fully complied with and it cannot be said that the appellants were not being heard in the matter.”

(emphasis supplied)

19. Therefore, I hold that the disagreement mentioned in the impugned show-cause notice is only tentative and it would be open for the petitioner to put forth such submission before the Disciplinary Authority to persuade him to accept the report of the Enquiry Officer by making such arguments/submissions dissuading him from his reasons to



disagree with the enquiry report and also pointing out such evidence which are let out in the enquiry that he is not guilty of the misconduct complained against him.

20. The next question, which has to be considered, is that whether the impugned show cause notice is to be quashed on the ground of delay. It is trite that both delay in initiation as well as conduct of disciplinary proceedings would entitle the delinquent employee to question the same at any stage of the proceedings. But, however it must be seen that it is not mere delay alone but the delay should cause prejudice to the delinquent employee. Such prejudice should be demonstrated that he is unable to remember or recollect the happenings or that he is unable to muster such evidence in his support by efflux of time and thus, demonstrate that there would be no fair opportunity to defend himself. Useful reference in this regard can be made to the judgment of Hon'ble Supreme Court of India in *State of A.P. v. N. Radhakishan*, (1998) 4 SCC 154 and paragraph 19 is reproduced hereunder :

“19. It is not possible to lay down any predetermined principles applicable to all cases and in all situations where there is delay in concluding the disciplinary proceedings. Whether on that ground the disciplinary proceedings are to be terminated each case has to be



examined on the facts and circumstances in that case. The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much the disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take their course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged officer unless it can be shown that he is to blame for the delay or when there is proper explanation for the delay in conducting the disciplinary proceedings. Ultimately, the court is to balance these two diverse considerations.”

21. The legal position is also delineated in the latest judgment of the Hon'ble Supreme Court in *State of Madhya Pradesh and another* (cited supra) and it is essential to quote the relevant portion



of paragraph 13, which reads as under:

WEB COPY

“13..... Every delay in conducting a disciplinary enquiry does not, ipso facto lead to the enquiry being vitiated. Whether prejudice is caused to the officer who is being enquired into is a matter which has to be decided on the basis of the circumstances of each case. Prejudice must be demonstrated to have been caused and cannot be a matter of surmise. Apart from submitting that the first respondent was unable to proceed on deputation or to seek promotion, there is no basis on which it could be concluded that his right to defend himself stands prejudicially affected by a delay of two years in concluding the matter.”

22. Thus, it can be seen in the instant case firstly the surprise check by the Vigilance and Anti-corruption took place on 12.01.2018. After receipt of the report, the charge memorandum was issued on 26.06.2019 and since four delinquent officials were involved and several witnesses, namely PWs 1 to 17 were examined and after detailed consideration, the enquiry report was submitted on 28.02.2022. It can be seen that thereafter, the matter was taken up for consideration and there have been inter-office communications in the month of November 2022 [23.11.2022], December 2022 [26.12.2022], January 2023 [11.01.2023] and the delay upto January 2023 is explained. It is true that there is a



delay after January 2023 up to February 2024 for about a period of eleven months. It can be seen that the detailed Oral Inquiry/trial is already over. Even the submissions which are made by learned Senior counsel are on the basis of evidence already recorded. There can be absolutely no prejudice whatsoever for the petitioner on account of the said delay. Considering the volume of evidence on record and nature of charges, the delay is not huge. Secondly, no prejudice whatsoever is demonstrated. Therefore, in that view of the matter, for the mere delay of about one year, the proceedings cannot be quashed. Therefore, I reject the contention of learned Senior counsel appearing on behalf of the petitioner that the impugned show-cause notice is to be quashed on the ground of delay in the conduct of the disciplinary proceedings.

23. The other contentions raised by the learned Senior Counsel relate to the appreciation of the evidence of the concerned witnesses and as to the factual correctness of the reasons which are mentioned by the Disciplinary Authority to tentatively disagree with the findings of the Enquiry Officer. Even the learned Senior counsel has argued extensively as to the scope of enquiry of this Court under Article 226 of the Constitution of India. When the matter is at the show-cause notice stage,



appraisal of evidence by this Court and entering into a finding one way

or the other will prejudice both sides and is certainly not within the

scope of enquiry in the second show-cause notice stage. Therefore, once

this Court finds that there is no violation of principles of natural justice

and the proceedings need not be quashed on the ground of delay, then it

would not be appropriate to consider the arguments on merits relating to

the nature of evidence on record etc., which the petitioner can raise in his

further explanation and before the Disciplinary Authority and it is for the

Disciplinary Authority to consider the same dispassionately. Therefore,

this Court refrains from making any finding regarding the argument of

the learned counsel relating to the version of witnesses Ramesh Babu or

Karuppasamy, leaving it open for the petitioner to raise the same before

Disciplinary Authority.

24. In view of the above, the writ petition is disposed of on the following terms:

- i) The prayer of the petitioner to quash the letter bearing reference No.3026620/H1/2022-5, dated 20.02.2024 shall stand rejected and it would be open for the petitioner to make a further representation to the respondent Authority within two weeks from the date of receipt of a copy of this order if he has already not made



Writ Petition No.10380 of 2024

WEB COPY

a further representation and it would be open for the petitioner to canvass all the points relating to the merits of the charges, adequacy of the evidence etc., before the Disciplinary Authority;

ii) It is made clear that the findings of the Disciplinary Authority in paragraph 2 of the impugned show-cause notice dated 20.02.2024 shall only be tentative and the Disciplinary Authority shall dispassionately consider such further representation that would be made by the petitioner on the merits of the charges and come to a conclusion in accordance with law;

iii) The Disciplinary Authority shall complete the exercise and pass final orders within eight weeks from the date of receipt of the copy of the order.

No costs. Consequently, the connected miscellaneous petition is closed.

03.06.2024

Index:Yes
Speaking Order
Neutral Citation:Yes
gpa

To

The Secretary to the Government



Writ Petition No.10380 of 2024

Commercial Taxes and
Registration (H1) Department
Secretariat, Chennai – 9

D. B H A R A T H A C H A K R A V A R T H Y., J

gpa

Writ Petition No.10380 of 2024