

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25012 of 2015

P.Sravan Satyan

...Petitioner

Vs.

The Deputy Commissioner (CT) (FAC),
Office of the Deputy Commissioner (CT),
Zone-II, Coimbatore - 18.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to pass final orders on the 17(b) charge memo issued in Ref.No.1260/2011/ A1 dated 30.01.2012 and based on the enquiry report dated 05.05.2014 within a stipulated time.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.S.Kanmani Annamalai,
Additional Government Pleader (Taxes)

O R D E R

By consent, this Writ Petition itself is taken up for final disposal.

2.The petitioner, while working as Assistant in the services of the respondent, was issued with a Charge Memo under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for an allegation that he has suppressed his arrest on 01.07.2011 with regard to the complaint lodged on account of demand of dowry preferred by his wife. The petitioner was subject to full fledged enquiry and the charges against the petitioner have not been proved. A copy of the enquiry report was given to the petitioner on 24.06.2015. In the interregnum, on account of the Charge Memo, the petitioner was not given promotion, whereas, Thiru.Marshall was promoted as Deputy Commercial Tax Officer during the year 2014. The grievance expressed by the petitioner is that though enquiry was held, the respondent has not passed final orders and his immediate junior has been promoted, but for the pendency of the disciplinary

proceedings, he would have got promotion. As no final orders are passed, the petitioner has filed the present Writ Petition.

3. Mr.Ravi Shanmugam, the learned counsel for the petitioner would submit that since the petitioner having been exonerated from the charges, there may not be any impediment to pass final orders on the disciplinary action initiated against the petitioner and the respondent may be directed to pass orders for promotion, based on the enquiry report at an earlier date.

4.Heard the submissions of the learned counsel for the petitioner and Mr.S.Kanmani Annamalai, the learned Additional Government Pleader (Taxes), who accepts notice on behalf of the respondent.

5.This Court, taking into consideration the above facts and circumstances, directs the respondent to act on the enquiry report of the Enquiry Officer dated 05.05.2014, in accordance with law and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Deputy Commissioner (CT) (FAC),
Office of the Deputy Commissioner (CT),
Zone-II, Coimbatore - 18.

1 CC to M/s. Ravishanmugam, Advocate SR.No. 42312

1 CC to the Spl.Government Pleader (T), SR.No. 42360

W.P.No.25012 of 2015

MP (CO)
PSI (18.08.2015)