

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.4987 of 2015 and
M.P.Nos.1 and 2 of 2015

A.Abdul Samathu

... Petitioner

Vs.

1.The Government of Tamil Nadu rep. by the
Secretary to Government,
Commercial Tax and Registration Department,
Fort St.George, Chennai - 600 009.

2.The Inspector General of Registration,
Chennai - 600 028.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing the first respondent from promoting any official junior to the petitioner herein as Deputy Inspector General until final orders are passed on the Charge Memo dated 23.09.2014 issued to the petitioner.

For Petitioner : Mr.M.Dhandapani

For Respondents : Mr.M.S.Ramesh
Additional Govt.Pleader

O R D E R

Since disciplinary proceedings were pending against the petitioner, he was not considered for promotion to the post of Deputy Inspector General of Registration. The petitioner, therefore, seeks a direction to the first respondent not to promote his juniors to the post of Deputy Inspector General of Registration until further orders are passed on the charge memo dated 23.09.2014.

2. The second respondent filed a counter affidavit indicating that the Enquiry Officer has already submitted the report and the same was forwarded to the Government. According to the second respondent, the Government is now seized of the matter and appropriate orders will be passed as expeditiously as possible.

3. The learned Additional Government Pleader on instructions submitted that first respondent requires two month's time to dispose of the proceedings initiated against the petitioner vide charge memo dated 23.09.2014.

4. The first respondent is directed to dispose of the disciplinary proceedings pending against the petitioner as expeditiously as possible and in any case on or before 30.04.2015. It is made clear that no further extension would be granted for passing final orders, in view of the fact that the petitioner is retiring from service in October 2015.

5. The learned counsel for the petitioner submitted that in case the Government exonerates the petitioner from charges, he should be considered for promotion. The issue regarding promotion of the petitioner as Deputy Inspector General of Registration is essentially a decision to be taken by the concerned authority on merits and taking into account several factors including the question as to whether any charge memo was pending as on the crucial date.

6. The Writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Secretary to Government,
The Government of Tamil Nadu
Commercial Tax and Registration Department,
Fort St.George, Cehnnai - 600 009.

2.The Inspector General of Registration,
Chennai - 600 028.

+1cc to Mr.M.Dhandapani, Advocate, S.R.No.14592
+1cc to the Government Pleader, S.R.No.14753

W.P.No.4987 of 2015

BR(CO)
CA(30/03/2015)