

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.*2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.24477 of 2016

Mr. Asaithambi

... Petitioner

Versus

1. Government of Tamil Nadu
Rep: by its Principal Secretary
Commercial Taxes and Registration
Secretariat, Fort St George,
Chennai-600 009.

2. The Inspector General of Registration
Registration Department
No.100, Santhome High Road,
Chennai-600 007

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass final order upon the enquiry that was initiated vide Reference Order No.20364/V1/2010 dated 23.09.2010.

For petitioner : Mr.K.Bhasker

For Respondents : Mr.A.Kumar

Special Government Pleader

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to pass final order on the basis of the enquiry that was initiated against the petitioner herein vide Reference Order No.20364/V1/2010 dated 23.09.2010.

3. The Petitioner would state that he joined the service in the 2nd respondent department as Sub-registrar grade-II in the year 1989 and got promoted as Sub-registrar grade-1 in 1996. He subsequently got promoted as District Registrar on 19.12.2005. Since then he has been discharging his duties in the cadre of District Registrar as Sub Registrar and he attained the age of superannuation on 31.01.2011. While he was working as Sub-Registrar in the cadre of District Registrar at Anna Nagar Chennai in the year 2009, a surprise check was conducted by Vigilance and Anti corruption team on 19.12.2009,

in which the vigilance team alleged to have recovered some cash from the premises and concluded that the recovered of money would have been received as illegal gratification. On the basis of such inspection, the respondent has issued a charge Memo dated 23.09.2010 after one and half year from the date of alleged occurrence proposing to conduct disciplinary enquiry against the petitioner under 17(b) of The Tamil Nadu State and Subordinate (disciplinary and appeal) Rules. Subsequently yet another charge memo was issued on 25.01.2011 for alleged stamp loss. Thereafter, the first respondent on 27.01.2011 suspended the petitioner from service and by an order dated 31.01.2011, he was not permitted to retire from service for the purpose of completion of enquiry.

4. It is submitted by the learned counsel for the petitioner that charge memo was issued in the year 2010 and enquiry officer was appointed in the year 2013 and enquiry has been completed on 24.12.2015. But, till date no final order has been passed.

5. I heard the counsel for both sides. Having regard to the above facts and circumstances of the case, without expressing any opinion on merits, the first respondent is directed to pass appropriate orders on the basis of the conclusion of the enquiry against the petitioner, which was initiated vide Reference Order No.20364/VI/2010 dated 23.09.2010, and pass final orders within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

Dated : 16.08.2016

***Corrected as per letter dated 15.11.2016**

Sd/-

Sub Assistant Registrar

Dated : 14.12.2016

//True Copy//

Sub Assistant Registrar

arr

To

1.The Principal Secretary to
Government of Tamil Nadu
Commercial Taxes and Registration
Secretariat, Fort St George,
Chennai-600 009.

2.The Inspector General of Registration
Registration Department
No.100, Santhome High Road,
Chennai-600 007

To be Substituted to

the Order already

despatched on

09.09.2016