

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38866 of 2016

S.N.Mani

... Petitioner

Vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai 600 005.
2. The Inspector General of Registration,
Santhome,
Chennai - 600 028.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified mandamus calling for the records of the 2nd respondent in connection with the impugned orders passed by him in No.36217/Aa1/2013, dated 07.07.2015 and quash the same and further direct the respondents to settle the retirement benefits due to the petitioner within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.R.Venkatesh,
Government Advocate

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned order dated 07.07.2015 passed by the 2nd respondent vide proceedings No.36217/Aa1/2013, and for a consequential direction to the respondents to settle the retirement benefits due to him within a reasonable time.

2. According to the petitioner, he joined the services of the 2nd respondent/Registration Department as a Junior Assistant on 22.11.1971, after passing P.U.C. He was subsequently

promoted as Assistant in the year 1979 and further promoted as Sub-Registrar Grade-II in the year 1990 and Grade-I in the year 1997. He was due for superannuation on 31.08.2009; however, he was imposed with a punishment of compulsory retirement from service by the 2nd respondent by an order dated 28.08.2009. While so, he was issued with two other Charge Memos vide No.43229/Aa1/2009, dated 28.08.2009 and 43551/Aa1/2009, dated 28.08.2009. Further, yet another Charge Memo was also pending in Charge Memo No.34264/Aa1/2009, dated 24.07.2009. After receipt of the Charge Memo, the petitioner submitted his explanation to the 2nd respondent stating that he registered the document as per the guideline value and prayed to drop further action.

3. Since the charges against the petitioner were not dropped, he approached this Court vide W.P.Nos.6747 to 6749 of 2013 and the same were disposed of on 02.04.2013 with a direction to the respondents therein to finalize the disciplinary proceedings and pass final orders within a period of eight weeks from the date of receipt of a copy of the order. However, the 2nd respondent did not comply with the said order. After a lapse of two and half years, the 2nd respondent issued the impugned show cause notice on 07.07.2015, for cancelling his earlier order dated 28.08.2009 and to impose a fresh punishment. In reply, the petitioner submitted his explanation on 05.08.2015 praying to drop the charges initiated against him. After the receipt of the said explanation, the 2nd respondent again sent a communication dated 08.09.2015 and directed the petitioner to offer a specific remark "either to accept or deny the punishment", for which the petitioner submitted his offer by a letter dated 16.09.2015 and expressed his non-acceptance of the proposed punishment. Since there is no progress in the matter, having no other alternative, the petitioner has approached this Court.

4. Though the petitioner has filed this Writ Petition seeking a larger relief, at the time of hearing, learned counsel for the petitioner submitted that the petitioner has already sent an explanation to the show cause notice and it would suffice if the 2nd respondent is directed to consider the petitioner's explanation and pass appropriate orders.

5. In view of the above, without going into the merits of the case, the 2nd respondent is directed to consider the petitioner's explanation to the impugned show cause notice and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

aeb

To:

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai 600 005.
2. The Inspector General of Registration,
Santhome,
Chennai - 600 028.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.65569

+1cc to the Government Pleader, S.R.No.65882

W.P.No.38866 of 2016

NR(CO)
CA(16/12/2016)



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