

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39530 of 2016

P.Rajan

... Petitioner

Vs

- 1 State of Tamil Nadu
Rep. by its Secretary to Government
Commercial Tax and Registration Department
Fort St. George Chennai 600 009.
- 2 Inspector General of
Registration Registration Department
Chennai 600 028. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to pass orders in respect of fixing up seniority based on the information sent by the second Respondent in No.51663/C 3/A 5 /2014 dated 28.11.2014 within a date fixed by this Court Dispose of the representation of the Petitioner dated 11.07.2014.

For Petitioner : Mr.A.R.Nixon

For Respondent : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pass orders in respect of fixing up seniority based on the information sent by the second Respondent in No.51663/C 3/A 5 / 2014 dated 28.11.2014 within a date fixed by this Court, by disposing of his representation dated 11.7.2014.

3. It is the case of the petitioner that he joined in the respondent department on 3.7.1976 as Junior Assistant and retired from service on 30.6.2008 as Sub Registrar. Prior to the date of his retirement, the Inspector General of Registration,

through a proceeding in No.27948/B3/2008-2 suspended him from service under 17(e)(1)(i) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, while he was working as Sub Registrar at Arur Sub Registrar Office, Dharmapuri District. Though he has to retire from service on 30.6.2008, the department refused to allow him to retire from service and retained him in service. In view of the same, the Government did not pay the terminal benefits. Thereafter, on 9.5.2014, the Inspector General for Registration passed an order, withdrawing the suspension order and discharging him from the charges levelled against the petitioner. The suspension period of 7 days have been treated as duty period and he was allowed to retire on 30.6.2008. Thereafter, the petitioner made a representation dated 23.6.2014 to the Inspector General for Registration seeking fixation of seniority. The District Registrar has also sent proposal based on the petitioner's representation on 15.7.2014. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation seeking fixation of seniority and pass appropriate orders, on merits and in accordance with law and also in the light of the information sent by the second Respondent in No.51663/C 3/A 5 / 2014 dated 28.11.2014, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

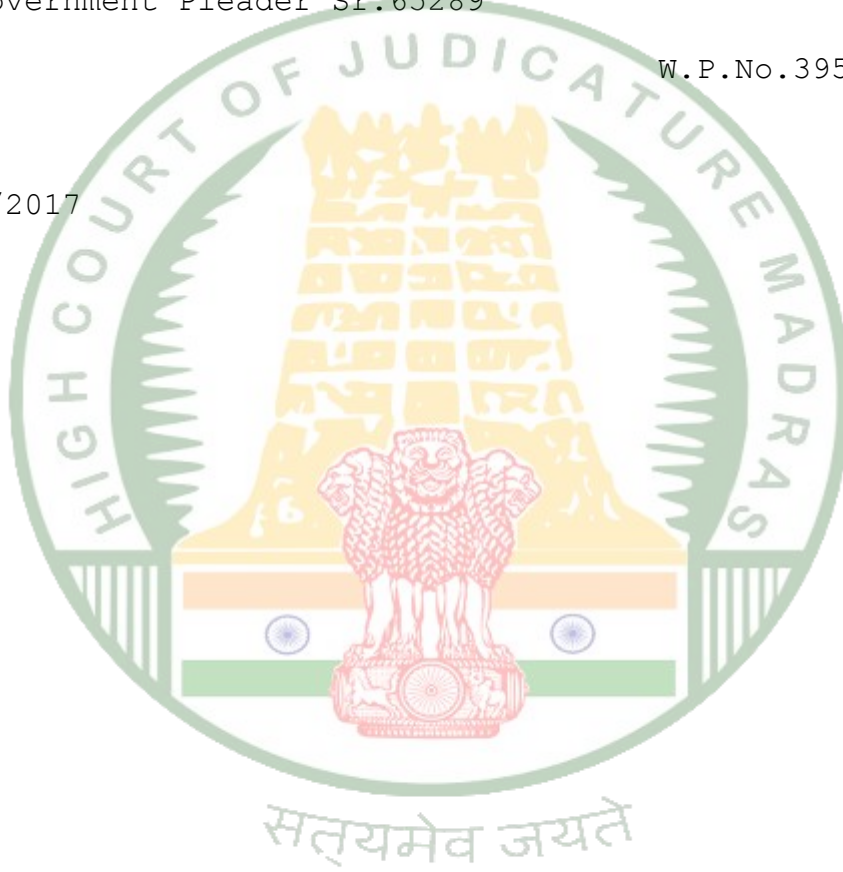
To

- 1 The Secretary to Government
State of Tamil Nadu
Commercial Tax and Registration Department
Fort St. George Chennai 600 009.
- 2 Inspector General of
Registration Registration Department
Chennai 600 028.

+1cc to M/S A.r.Nixon, Advocate Sr.65547
+1cc to Government Pleader Sr.65289

W.P.No.39530 of 2016

RSK(CO)
RVR 03/01/2017



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