



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12213 of 2016
and W.M.P (MD) Nos.9306 & 9307 of 2016

A.Sankaralingam

.. Petitioner

Vs.

1.The Assistant Director,
Land Survey and Registration Department,
Tiruchirappalli.

2.The Regional Deputy Director,
Survey and Registration Department,
Tiruchirappalli.

..Respondents

Prayer :Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the memorandum of charges dated 05.10.2005 in Na.Ka.No.A7/6171/05 of the first respondent herein and quash the same and consequently, grant the petitioner with promotion, increments and all other attendant benefits with effect from 10.05.2005.

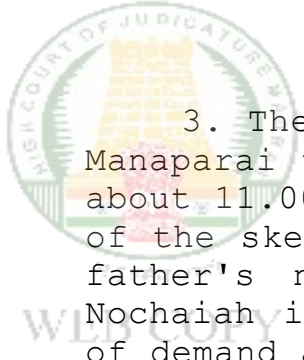
For Petitioner : Mr.AR.L.Sundarasan
for M/s.AL.Ganthimathi

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The petitioner has come to this Court seeking a Writ of Certiorarified Mandamus, to call for the records relating to the memorandum of charges dated 05.10.2005 in Na.Ka.No.A7/6171/05 of the first respondent herein and quash the same and consequently, grant the petitioner with promotion, increments and all other attendant benefits with effect from 10.05.2005.

2. Heard the learned counsel for the petitioner. Mr.M.Murugan,
learned Government Advocate takes notice for the respondents.

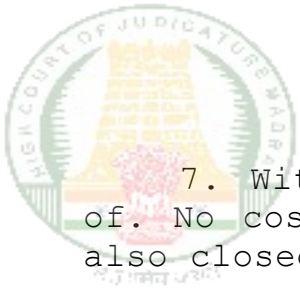


3. The petitioner while serving as Sub-Inspector of survey at Manaparai was charge-sheeted for the charge that on 06.05.2005 at about 11.00 hours, demanded a sum of Rs.1,000/- for issuing a copy of the sketch of complainant's land and to change the name of the father's name of the complainant as Anthony Muthu instead of Nochaiah in the records and the petitioner denied the allegation of demand and acceptance of the above said amount on 10.05.2005 at his office as a gratification stating that Rs.1,000/- was due for procurement of paddy from P.W.2 and the same was handed over to him, hence the same cannot be gratification. The said charge was dismissed by the Special Court for trial of cases under the Prevention of Corruption Act, Tiruchirappalli in Special Case No.3 of 2011, on 14.09.2012. The Judgment given by the Special Court became final and concluded. After the Judgment given by the Special Court, charge memo issued on 05.10.2005 under Section 17 (d) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, was kept in abeyance in view of the pendency of the criminal case and the same charge has been proceeded with huge delay. As a result, the petitioner comes to this Court on the ground of delay of 10 years.

4. It is the contention of Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner that the charge-memo was issued on 05.10.2005 under Section 17(d) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, although they were right in keeping the departmental proceedings in abeyance till the disposal of the criminal case on 14.09.2012, after the order of acquittal, they ought not to have waited for more than four years, as a result, he was put to severe loss of promotion, which itself is a major punishment, therefore, on the ground of delay in completing the enquiry, the present Writ Petition has been filed.

5. Again Mr.AR.L.Sunderasan, learned Senior Counsel appearing for the petitioner requested this Court to dispose of the disciplinary proceedings itself in view of the acquittal of the petitioner in S.C.No.3 of 2011 by the Special Court, Tiruchirappalli, since both the charges are one and the same.

6. Since the petitioner has been acquitted of the charge as mentioned supra, the first respondent is directed to consider the representation of the petitioner, dated 12.11.2015 and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till such time, there shall be an order of interim status quo.



7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

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Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Director,
Land Survey and Registration Department,
Tiruchirappalli.

2.The Regional Deputy Director,
Survey and Registration Department,
Tiruchirappalli.

+1cc to M/s.AL.Ganthimathi, Advocate Sr.No.36394

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and

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