BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.23880 of 2016 and
W.M.P.(MD) Nos.17215 & 17216 of 2016

S.Palanivelan ... Petitioner

-vs-

1.The Principal Secretary /
Commissioner of Commercial Taxes,
Chepauk, Chennai-5.

2.The Joint Commissioner (CT) (Enf)
Madurai Division,
Madurai-20. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent in respect of CD2/4131/2014 dated 24.12.2014, quash the same and consequently direct the 1st respondent to drop all charges levelled against the petitioner in respect of the proceedings in CD2/4131/2014 dated 24.12.2014.

For Petitioner : Mr.V.Chandrasekar
For Respondents : Mr.R.Karthikeyan
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to quash the impugned proceedings dated 24.12.2014 of the 1st respondent passed in CD2/4131/2014, vide which, an enquiry has been initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and charge memo was issued, framing as many as three charges against the petitioner. The petitioner also sought direction to the 1st respondent to drop all charges levelled against him in respect of the proceedings in CD2/4131/2014 dated 24.12.2014.

2. The case of the petitioner is that based on the defects pointed out in the Accountant General as well as Internal Audit's notes, he has passed orders of revision of assessment by following due procedures with an intention to rectify the same and to realize the dues to the Government; that though the taxes levied by him were collected, he has not been relieved of the charges; that though enquiry is pending for the past two years, there is no progress in the enquiry and the 2nd respondent has not passed any orders so far; that the list of eligible persons for promotion

would be drawn up during the 1st week of January and the petitioner apprehends that his name will not be considered for inclusion in the panel for promotion on the ground of pendency of enquiry. Therefore, the petitioner is before this Court with the relief stated supra.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. The apprehension of the petitioner that his would would not be considered for promotion in the ensuing selection need not be addressed now. If the Rule permits, pendency of charge sheet is not a bar for the respondents to consider the case of the petitioner, but that cannot be a ground for setting aside the charge memo dated 24.12.2014 impugned in this writ petition.

5. Therefore, the respondents are directed to consider the case of the petitioner for promotion, if there is no legal impediment. It is seen that charges are pending for the last two years and hence, the respondents shall commence the enquiry, proceed with the same on day to day basis without adjourning the matter beyond seven working days at any point of time and bring the issue to a logical end as expeditiously as possible, as the respondents cannot be keep the Damocles sword hanging on the head of the petitioner indefinitely.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(R)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The Principal Secretary /
Commissioner of Commercial Taxes,
Chepauk, Chennai-5.
2.The Joint Commissioner (CT) (Enf)
Madurai Division,
Madurai-20.

+1 cc to MR.V.Chandrasekar,ADVOCATE, SR NO: 83421
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 83615

W.P.(MD) No.23880 of 2016
23.12.2016

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