

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.9.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1194 of 2017
and
C.M.P.No.16857 of 2017

M.Srinivasan

Appellant/Petitioner

Versus

- 1 The Secretary,
The Commercial Taxes and
Registration Department,
Fort St. George, Chennai 600 009.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai 600 028.

Respondents/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.8.2017 passed in W.P.No.20912 of 2017 on the file of this court.

Prayer in W.P.No.20912 of 2017:

Writ petition filed under Article 226 of the constitution of India praying for a Writ of certiorarified Mandamus call for the records of the impugned proceedings No.27741/B1/2005 dated 15.02.2008 passed by the 2nd respondent herein and quash the same as null and void and consequently directing the 2nd respondent herein to revise and regularize the service seniority of the petitioner herein by keeping the name of the petitioner above the immediate Junior viz. Mr. Y.Justin with reference to the Seniority of promotion panel vide Na.Ka.Mu.No.400/A3 /97-1 dated 03.12.1997 in the cadre of Sub-Registrar Grade II and subsequent promotion required to be given periodically in the eye of law and pass such further as other orders.

For appellant : Mr.G.Thangavel

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. The writ appeal is filed challenging the order passed by the learned Single Judge dismissing the writ petition filed by the appellant seeking to quash the disciplinary proceedings pending against him and revise and regularize his service seniority.

3. It appears that the appellant was implicated in a criminal case in Crime No.10 of 2005 on the file of the Inspector of Police, Vigilance & Anti-Corruption Department, Coimbatore and subsequently, converted into C.C.No.62 of 2011 before the Special Court for Vigilance & Anti-Corruption, Coimbatore and based on the same, a disciplinary proceedings was initiated against him by issuing a charge memo dated 15.2.2008. It further appears that though the appellant was acquitted in the criminal case on 22.8.2012 itself, till date, the disciplinary proceedings is pending and hence, the appellant seeks indulgence of this court.

4. The stand of the learned Special Government Pleader is that the pendency of the disciplinary proceedings is not due to the authorities, but, only because of the appellant.

5. The respondents, being disciplinary authority, cannot blame the appellant-employee in toto for the prolonged pendency of the disciplinary proceedings. Therefore, in the facts and circumstances of the case, we are of the view that some time limit needs to be fixed for completion of the disciplinary proceedings and accordingly, the respondents are directed to complete the disciplinary proceedings within a period of six months from the date of receipt of a copy of this judgment and in the event of non-completion of the same, we are constrained to direct that the the case of the appellant/writ petitioner for promotion shall be considered, of course, by posting him in a non-sensitive post till a decision is arrived in the

disciplinary proceedings. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Secretary,
The Commercial Taxes and
Registration Department,
Fort St. George, Chennai 600 009.
 2. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai 600 028.
- +1 CC to Govt. Pleader sr 70667.
+1 CC to Mr.G. Thangavel, Advocate sr 69941.

VGII(CO)
SP(17/11/2017)

W.A.No.1194 of 2017

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