

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 31784 of 2017

K. Meenakumari

..Petitioner

Vs.

1. The Government of Tamil Nadu rep. by
The Secretary,
Commercial Taxes and Registration
(H) Department,
Fort St. George,
Chennai - 600 009.
2. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 104. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to pass final orders on the representations dated 18.06.2015 and 25.08.2017 submitted in pursuance to the charge memo dated 07.01.2014.

For Petitioner :: Mr.D. Ravindranathan

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

सत्यमेव जयते
O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to pass final orders on the representations dated 18.06.2015 and 25.08.2017 submitted in pursuance to the charge memo dated 07.01.2014.

2. The petitioner entered into service as Grade II Sub Registrar on 30.10.2001 and subsequently, she was promoted as Grade I Sub Registrar and further as District Registrar. At present, she is working at Tirupur as District Registrar (Audit). On 07.01.2014, a charge memo under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules alleging that while working as Sub Registrar, Anna Nagar (in the cadre of

District Registrar), she failed to note the higher value fixed by the District Revenue Officer (Stamps) in Document No. 3107/2006 under Section 47(A)(2) of the Indian Stamps Act and that later the Document No. 698/2011 was registered by her successors without taking into consideration the higher value fixed in the aforesaid Document No. 3107/2006, thereby causing a loss of Rs.3.45 lakhs to the exchequer. In reply to the charge memo, the petitioner submitted her detailed explanation dated 10.02.2014 to the 2nd respondent. Not being satisfied with the reply of the petitioner, an enquiry was held into the charges framed against the petitioner, in which, she participated and the Enquiry Officer submitted his report on 15.12.2014 to the 2nd respondent holding the petitioner guilty of the charges framed against her. Based on the findings of the Enquiry Officer, the petitioner received a second show cause notice dated 13.05.2015 from the 1st respondent to submit her further explanation. The petitioner had also submitted her detailed explanation on 18.06.2015, pursuant to which, the 1st respondent granted her personal hearing on 22.02.2016. However, no orders have been passed till date. Hence, the present writ petition.

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

4. Considering the fact that the charge memo had been issued to the petitioner as early as in 2014, in respect of registration of a document pertaining to the year 2006; that the Enquiry Officer had already submitted his report; that the second show cause notice had also been issued, for which the petitioner had also submitted her explanation, following which an opportunity of personal hearing had also been granted by the 1st respondent on 12.02.2016, this Court directs the 1st respondent to pass appropriate orders, in the pending disciplinary proceedings initiated against the petitioner, as per law, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. सत्यमेव जयते

5. However, it is made clear that if there is any delay in passing orders, it would only amount to violation of the orders passed by this Court and it would not enable the petitioner to take advantage of the same and get an order from this Court as if the entire proceedings had lapsed for non-compliance of the direction given by this Court.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
Government of Tamil Nadu
Commercial Taxes and Registration
(H) Department,
Fort St. George,
Chennai - 600 009.
 2. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 104.
- + 1 cc to Mr.D. Ravindranathan Advocate, SR.86996
- + 1 cc to The Govt.Pleader, SR.87449

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NMI (CO)
NR 26/12/2017



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