IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12834 of 2014
and
MP.Nos.1 & 2 of 2014

A.Govindaraj .. Petitioner

vs

1. The State, represented by
its Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai - 9.

2. The Inspector General of Registration
100, Santhome High Road,
Santhome, Chennai - 600 028. .. Respondents

Prayer:
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned charge memo issued by the 2nd respondent in his proceedings No.8168/B7/2001 dated 13.12.2002 and quash the same.

For Petitioner : Mr.M.A.Gouthaman
For Respondents : Mr.R.Vijaya kumar for RR1 & 2
Additional Government Pleader

ORDER

The learned counsel appearing for the writ petitioner made a submission that during the pendency of the writ petition, the disciplinary authority has proceeded with the enquiry proceedings and concluded the domestic enquiry in all respects. However, the final order is yet to be passed in the disciplinary proceedings. The learned counsel for the writ petitioner submits that there is a huge delay in concluding the disciplinary proceedings by the disciplinary authority and that is also a ground to quash the charge memo itself.

2.This Court is of the view that now the disciplinary proceedings were completed in all respects by concluding the enquiry and the final order alone is yet to be passed, it is not appropriate to quash the charge memo as prayed for in this writ petition. Under these circumstances, it is suffice if a direction is issued to the disciplinary authority to complete the enquiry in all respects and pass final orders in the disciplinary proceedings. Further, this Court is of the opinion that the competent authority, on initiation of disciplinary proceedings, has to complete the same within a reasonable period. Since, Long delay in concluding the disciplinary proceedings will cause prejudice to the delinquent officials also. It is necessary to consider the fact that the long pendency of the disciplinary proceedings will also cause denial of other service benefits including promotion, settlement of retirement benefits to the delinquent.

3.Thus, the disciplinary authority must be vigilant in disposing the disciplinary proceedings at the earliest possible. Even, if a criminal case is registered, it is settled that there is no bar on the disciplinary authority to proceed with the departmental disciplinary proceedings parallely. Thus, in all respects, the authorities competent have to proceed with the enquiry and conclude the same as early as possible without causing any delay. Under these circumstances, the respondents are directed to conclude the enquiry proceedings by providing reasonable opportunities to the delinquent officials under the rules and take a decision and pass appropriate final orders in the disciplinary proceedings in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

4.The Writ petitioner is also directed to co-operate with the competent authorities for the conclusion of the disciplinary proceedings in all respects. If any non-cooperation on the part of the writ petitioner, then the same may be recorded by the authorities in the disciplinary proceedings itself.

5.Accordingly, the writ petition stands disposed of on the above terms. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

stm

To

1. The Secretary to Government,
   The State, Commercial Taxes and
   Registration Department,
   Fort St.George, Chennai - 9.

2. The Inspector General of Registration
   100, Santhome High Road,
   Santhome, Chennai - 600 028.

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CS/04/12/17