

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12763 of 2017

M.Srinivasan

... Petitioner

Vs

The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai 600 028.

... Respondent

Prayer : - Writ Petition filed under Article 226 of the Constitution of India pleased to issue a writ of mandamus or any other writ or order or direction, directing the respondent to consider the representation dated 20.04.2017 on par with G.O (per) No.46 Public Administration and Reforms (Q) Department on 29.04.2013.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Mr.A.N.Thambidurai, Spl.Govt.Pleader

O R D E R

The prayer in the writ petition is for writ of mandamus directing the respondent to consider the representation dated 20.04.2017 of the petitioner in terms of G.O (per.) No.46 Public Administration and Reforms (Q) Department on 29.04.2013.

2. The petitioner was involved in a trap case in Crime No.10 of 2005. A special case No.62 of 2011 had been filed against the petitioner before the Special Court for Vigilance and Anti-Corruption cases, Coimbatore on 22.08.2012 and after trial, he was acquitted by giving benefit of doubt. In the meanwhile, the department initiated proceedings by issuing charge memo dated 15.02.2008. On 29.01.2009 Enquiry Officer was also appointed. At the instance of the petitioner, the Disciplinary Proceedings were stayed by this Court in W.P.No.6120 of 2009, therefore the enquiry did not continue. Since the petitioner was acquitted by the criminal Court on 28.02.2012 he sought for completion of the Disciplinary Proceedings by his representation dated 03.02.2016. There was no action taken by the respondent. Thereafter he made a

representation on 20.04.2017 to drop charges as he was left with only one year and 11 months of service. The petitioner also cited G.O (Per)No. Public Administration and Reforms (Q) Department on 29.04.2013 wherein in similar circumstances the department in respect of a delinquent - Syed Sadakthullah who was also charged after a trap was laid by Vigilance Department and acquitted by criminal Court considering non availability of sufficient evidence against him and dropped all the charges against him. The petitioner also would pray that in similar circumstances, this Court passed an Order in W.P. No. 26085 of 2015 and M.P.Nos.1&2 of 2015 dated 21.08.2015 in (M.Sridhar Vs The Principal Secretary to Government, Commercial Taxes and Registration Department, Fort St.George, Chennai and one other), holding that authorities are expected to apply their mind independently as to whether any case has been made out for initiation of disciplinary action, on the basis of the acquittal passed by the Criminal Court either honourably or on the basis of the benefit of doubt. The petitioner has also made a representation setting out all the facts and prayed for passing of final order. However, no order has been passed by the respondent and therefore the petitioner is before this Court.

3. The learned counsel would submit that a direction may be given to the respondent to dispose of the representation made by the petitioner in terms of G.O(per.)No.46 Public Administration and Reforms (Q) Department on 29.04.2013.

4. ***Considering the limited prayer, without going in to the merits of the case, the respondent is directed to consider and dispose of the petitioner's representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the result to the petitioner.**

5. With the above direction the writ Petition is disposed of. No costs.

***Delete and Substitute as सत्यमेव जयते per order dt.7/7/17.**

sd/-

Assistant Registrar(CO)

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai 600 028.

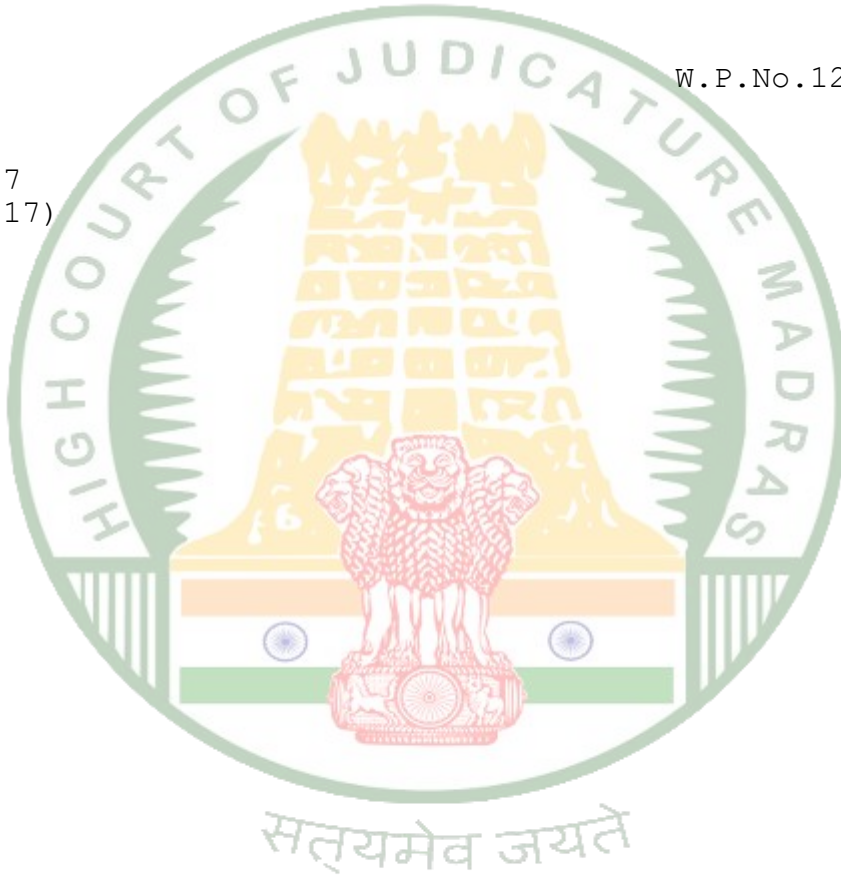
Amended order to be
Substituted to the
Order already
despatched on
25/5/17

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.*47546

+1cc to the Government Pleader, S.R.No.37684

W.P.No.12763 of 2017

MP(CO)
CS/24/05/17
SS(12/7/2017)



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