IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No. 22482 of 2017

N.Chandrasekaran ..Petitioner

Vs.

1.The Secretary to Government,
Commercial Taxes and Registration (E1),
Department, Secretariat,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The Joint Commissioner (CT),
Chennai (South) Division,
Chennai-600 006. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pass final orders in respect of the Charge Memo Ref.A1/13586/2010 dated 09.10.2012 issued by the 3rd respondent.

For Petitioner : Mr.N.Naganathan

For Respondents : Mrs.R.Narmadha Sampath,
Spl. Govt.Pleader (Taxes)

O R D E R

The relief sought for in this writ petition is for direction, to direct the 1st respondent to pass final orders in respect of the Charge Memo issued by the 3rd respondent in Ref.A1/13586/2010 dated 09.10.2012.

2. The learned counsel appearing for the writ

petitioner states that the writ petitioner was initially appointed as Typist in the year 1978 through TNPSC and further, he was promoted upto the post of Assistant Commissioner. On account of certain allegations, a Charge Memo was issued against the writ petitioner on 09.10.2012 and he submitted his explanation, denying the charges and an order of suspension was issued placing the writ petitioner under suspension on the eve of his retirement dated 31.10.2012. Consequently, the service of the writ petitioner was retained under 56(c)(i) of the Fundamental Rules . An enquiry officer was also appointed vide proceedings dated 28.12.2012 and the writ petitioner also appeared before the Enquiry Officer. The Enquiry Officer had completed the enquiry in all respects and submitted his report and along with the report, the writ petitioner received two show causes notice and submitted his further explanation / objection on the enquiry report on 07.10.2013. In spite of the same, no final orders have been passed in this disciplinary proceedings, and therefore, the writ petitioner has submitted representations on 06.02.2017 and on 14.06.2017 and the writ petitioner is not allowed to retire from service. Due to the pendency of the disciplinary proceedings, he is unable to get his terminal and retirement benefits.

3. In the light of the above facts, this Court is inclined to direct the respondents to complete the disciplinary proceedings in all respects and pass appropriate final orders in the disciplinary proceedings within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. However, no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Commercial Taxes and Registration (E1),
Department, Secretariat,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The Joint Commissioner (CT),
Chennai (South) Division,
Chennai-600 006.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.60722
+1cc to the Special Government Pleader(Taxes), S.R.No.61119

W.P. No. 22482 of 2017

PPA(CO)
GN(26/09/2017)