

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13968 of 2017

Thiru R.John Peter

..

Petitioner

-vs-

1. The Additional Chief Secretary/
Secretary to Government
Commercial Tax and Registration Department
Fort St.George
Chennai 600 009

2. The Additional Chief Secretary/
Commissioner of Commercial Taxes
Ezhilagam, Chempauk
Chennai 600 005

3. The Commissioner
Tribunal for Disciplinary Proceedings
5/1842-A, Trichy Road
Market Committee Complex
Ramanathapuram
Coimbatore 641 045

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the third
respondent to conclude the proceedings in TDP Case No.05/2016
within a time frame not exceeding four weeks.

For Petitioner :: Mr.Adithya Reddy

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.K.Venkatesh
Government Advocate (Taxes)
for R2 & 3

ORDER

This writ petition has been filed seeking a direction to
the third respondent to conclude the proceedings in TDP Case
No.5 of 2016 within a time frame, not exceeding four weeks.

2. The petitioner has been slapped with a charge, which is given as under:-

"While you (Accused Officer) Thiru R.John Peter, were working as Commercial Tax Officer, (Group-B), Valparai, Coimbatore District, you (AO) had demanded Rs.3 lakhs as bribe for not imposing penalty Rs.22 lakhs for the discrepancy found in the assessment report submitted by the complainant Thiru M.Venkatesh Babu, S/o S.Murugesan, Human Resources Department Manager, Tea Estate India Limited, No.10, Thambu Nagar, Puliakulam, Coimbatore for the year 2013-2014 and 2014-2015 to four garden bungalows of Tea Estate Company Limited, Valparai. Thus you (AO) had failed to maintain absolute integrity and devotion to duty."

3. As the enquiry has been posted to 8.7.2017 and five witnesses and 17 documents produced on the side of the prosecution are to be examined and considered, this will generally take time depending upon the pendency of the cases on the file of the Tribunal for Disciplinary Proceedings. Therefore, when the petitioner has been charged with a serious allegation and when the petitioner himself is not able to say how many witnesses and documents are going to be produced on his side, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ss

To

1. The Additional Chief Secretary/
Secretary to Government
Commercial Tax and Registration Department
Fort St.George
Chennai 600 009
2. The Additional Chief Secretary/
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3. The Commissioner
Tribunal for Disciplinary Proceedings
5/1842-A, Trichy Road
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+1cc to Special Government Pleader in sr.no.40225
+1cc to Government Pleader in sr.no.40285
+1cc to Mr.Adithiya Reddy, Advocate in sr.no.40111

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RR (CO)
NR 23/06/2017



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