

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.352 & 353/2017

T.K.Jagadeesan .. Petitioner in both WPs.

Vs

1.The Principal Secretary to Government
Department of Commercial Taxes &
Registration, Government of Tamil Nadu
Secretariat, Chennai 600009.

2.The Inspector General of Registration
Santhome High Road, Mylapore
Chennai 600 004. .. Respondents in both WPs

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to consider the petitioner's statutory appeals dated 28.12.2015 and 26.05.2016 respectively and pass appropriate orders on merits and in accordance with law by taking into consideration of all grounds raised in the same within a reasonable time to be fixed by this Court.

For Petitioner in
both WPs : Mr.R.Neelakandan

For RR 1 & 2 in
both WPs : Mr.R.A.S.Senthilvel, AGP

COMMON ORDER

By consent, the writ petitions are taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner in WP.No.352/2017 would state that while working as Sub Registrar [Administration] at the office of the District Registrar, South Chennai, he was visited with Disciplinary Proceedings in the form of Charge Memo dated 10.09.2012 under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, alleging that he has caused loss of revenue to the tune of Rs.15,60,300/- and the

Enquiry Officer has found that the charge framed against the petitioner has been proved and the petitioner was called upon to offer his explanation and it was also submitted on 15.10.2013. When the petitioner was about to attain the age of superannuation on 30.04.2014, the 2nd respondent passed orders, placing the petitioner under suspension and also retained him in service beyond the age of superannuation under FR 56[1][c]. The petitioner was also imposed with the punishment of compulsory retirement and also cut in 1/3rd portion of Gratuity, with a further order to pay the entire pension as compulsory retirement pension, vide order dated 04.11.2015, by the 2nd respondent and challenging the same, the petitioner had filed a Statutory Appeal dated 28.12.2015 before the 1st respondent and despite the receipt and acknowledgment, it is yet to be disposed of and hence, the petitioner has come forward to file the present writ petition.

3 The petitioner in WP.No.353/2017 would state that while working as Sub-Registrar-II, Central Chennai Registration District, he was issued with a Charge Memo dated 28.10.2013 under Rule 17[b] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, alleging that he has caused loss of revenue to the tune of Rs.4,85,554/-. The petitioner has submitted his response to the charge memo and the Enquiry Officer has found that the charge in respect of Document No.1 alone has been proved and in respect of Documents No.2 to 12, the charges have not been proved. The petitioner was called upon to offer his further explanation and it was also submitted and the 2nd respondent, without properly considering the same, has passed an order, directing recovery of the alleged loss to the tune of Rs.1,39,980/- from his Gratuity and by yet another another, the petitioner was reverted back from the post of Sub-Registrar-I to Sub-Registrar-II with a further punishment of stoppage of one increment. The petitioner, challenging the said order of punishment dated 18.04.2016, had preferred a Statutory Appeal dated 26.05.2016 before the 1st respondent and despite receipt and acknowledgment, it has not been given disposal and hence, the petitioner came forward to file the present writ petition.

4 Heard the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

5 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's Statutory Appeal Memorandums / Petitions dated 28.12.2015 and 26.05.2016 respectively on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and

communicate the decision taken, to the petitioner.

6 The writ petitions stand disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Principal Secretary to Government
Department of Commercial Taxes &
Registration, Government of Tamil Nadu
Secretariat, Chennai 600009.

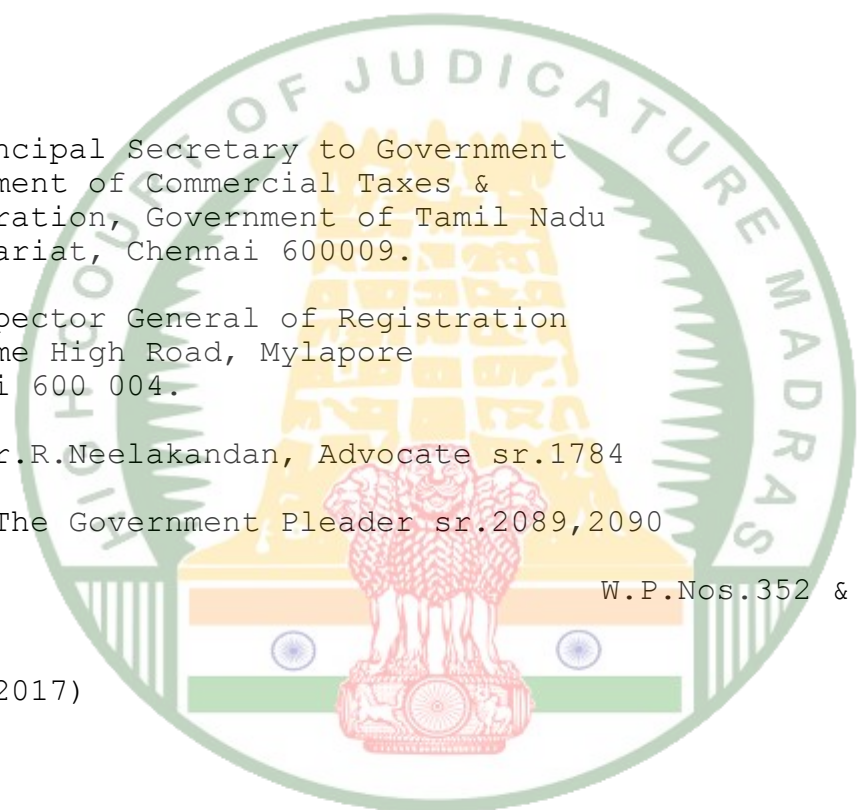
2.The Inspector General of Registration
Santhome High Road, Mylapore
Chennai 600 004.

+1CC TO Mr.R.Neelakandan, Advocate sr.1784

+2ccs to The Government Pleader sr.2089,2090

W.P.Nos.352 & 353/2017

sk(co)
ss(31/01/2017)



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