

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26451 of 2017
and W.M.P.No.28152 of 2017

N.M.Elayaperumal

[Petitioner]

Vs

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

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

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records relating to the charge memo No.53118/V3/2009 dated 23.10.2009 on the file of the 2nd respondent and quash the same and promote to the post of Assistant Inspector of General of Registration along with monetary benefits.

For Petitioner : Mr.D.Veeraseskaran

For Respondents : Mr.V.Jayaprakash Narayanan, SGP

सत्यमेव जयते
O R D E R

Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2. The petitioner has reached the age of superannuation on 30.10.2009, while serving as a District Registrar (Administration). However, he was issued with a charge memo on 23.10.2009, containing four charges. Thereafter, an Enquiry Officer was appointed to go into the correctness of the charges. On completion of the enquiry, the Enquiry Officer submitted his report on 01.07.2013. In the meantime, since the petitioner had reached the age of superannuation on 31.10.2009, he was allowed

to permitted to retire from service, without prejudice to the pending disciplinary proceedings. Now, the petitioner had also submitted his representation to the enquiry report on 31.07.2013 to the 1st respondent. As no final order has been passed, the learned counsel for the petitioner submitted that a direction may be given to the 1st respondent to pass final orders on the basis of the enquiry report, explanation and the further representation dated 31.07.2013.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing for the respondents, placing on record the written instructions dated 12.10.2017 received from the Personal Assistant (General) to the Inspector General of Registration, Chennai, sought for twelve weeks' time to pass final orders in the pending disciplinary proceedings.

4. Since the petitioner had reached the age of superannuation on 31.10.2009 and the enquiry report was submitted as early as on 01.07.2013 for which the petitioner had also submitted his further representation on 31.07.2013, four weeks' time from the date of receipt of a copy of this order is granted to the 1st respondent to pass final orders on merits in the pending disciplinary proceedings, failing which, the petitioner is given liberty to approach this Court for initiating departmental action against the disciplinary authority for not passing appropriate orders, taking note of the date of retirement viz., 31.10.2009.

With the above observations, the writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

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

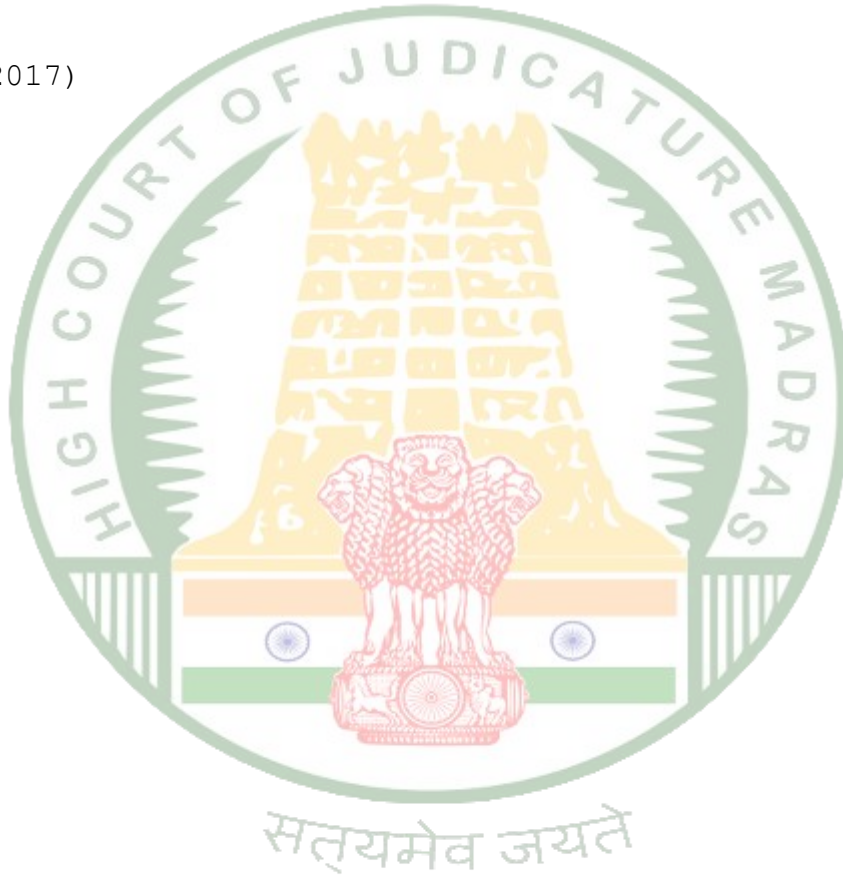
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2 The Inspector General of Registration
No.100 Santhome High Road
Mylapore Chennai 600 028

+1 CC to Mr.D.Veerasekaran, Advocate sr 74560.
+1 CC to Govt. Pleader sr 75297.

W.P.No.26451 of 2017

AD(CO)
SP(15/11/2017)



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