

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35049 of 2016
and
WMP No.30216 of 2016

B.Suresh

.. Petitioner

vs.

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

.. Respondent

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondent from continuing the departmental proceedings initiated in Memo No.42241/V2/2010 dated 14.3.2016 till the conclusion of criminal proceedings initiated in charge sheet No.1/2012 dated 13.2.2012 pending before the Chief Judicial Magistrate Court-cum-Special Judge, Chengalpattu, Kancheepuram District.

For Petitioner : Mr.R.Sagadevan

For Respondent : Mr.K.Dhananjayan,
Special Government Pleader.

O R D E R

The charge memo issued to the writ petitioner in proceedings dated 14.3.2016 is under challenge in this writ petition.

2. The writ petitioner was holding the post of Sub-Registrar at Tiruchencode and was placed under suspension on account of a trap by the Department of Vigilance and Anti-Corruption. A criminal case was registered against the writ petitioner by the Department of Vigilance and Anti-Corruption in Crime No.1 of 2012. Subsequently, during the pendency of the criminal proceedings, departmental disciplinary proceedings were also initiated and a charge memo was issued to the writ petitioner in proceedings dated 14.3.2016. Instead of submitting his explanations/objections on the charge memo, the writ petitioner moved this writ petition, questioning the validity of the charge memo.

3. The learned counsel appearing for the writ petitioner contended that the respondents have not followed the procedure for framing of the charges. Further, it is contended that the allegations in the criminal case as well as in the departmental proceedings are one and the same and therefore, the departmental charge memo is to be stayed till the completion of the criminal case. Such a proposition cannot be accepted in view of the fact that criminal case proceedings are different from that of the departmental disciplinary proceedings and pendency of the criminal case is not a bar for the department to proceed with the departmental disciplinary proceedings. Since allegations of corruption are framed against the writ petitioner, the department also proceeded with the enquiry based on the relevant records and the witnesses available. The Court cannot show any leniency in corruption cases and all such corruption cases are to be dealt with iron-hand. Criminal Court requires a high standard of proof to convict a person under the Criminal Law. But preponderance of probabilities are sufficient to impose penalty against a public servant under the Discipline and Appeal Rules. Such being the distinction between the criminal proceedings and the departmental disciplinary proceedings, it is not necessary to stall the departmental proceedings till a final judgment is delivered in the criminal case.

4. Even a moral turpitude is sufficient to impose penalty under the Discipline and Appeal Rules. A person who has involved in a corruption case can never be allowed to escape from the clutches of the disciplinary proceedings. Thus, there is no irregularity on the part of the respondent in initiating the disciplinary proceedings against the writ petitioner even during the pendency of the criminal case. Thus, the grounds raised in this writ petition deserves no further consideration and accordingly the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

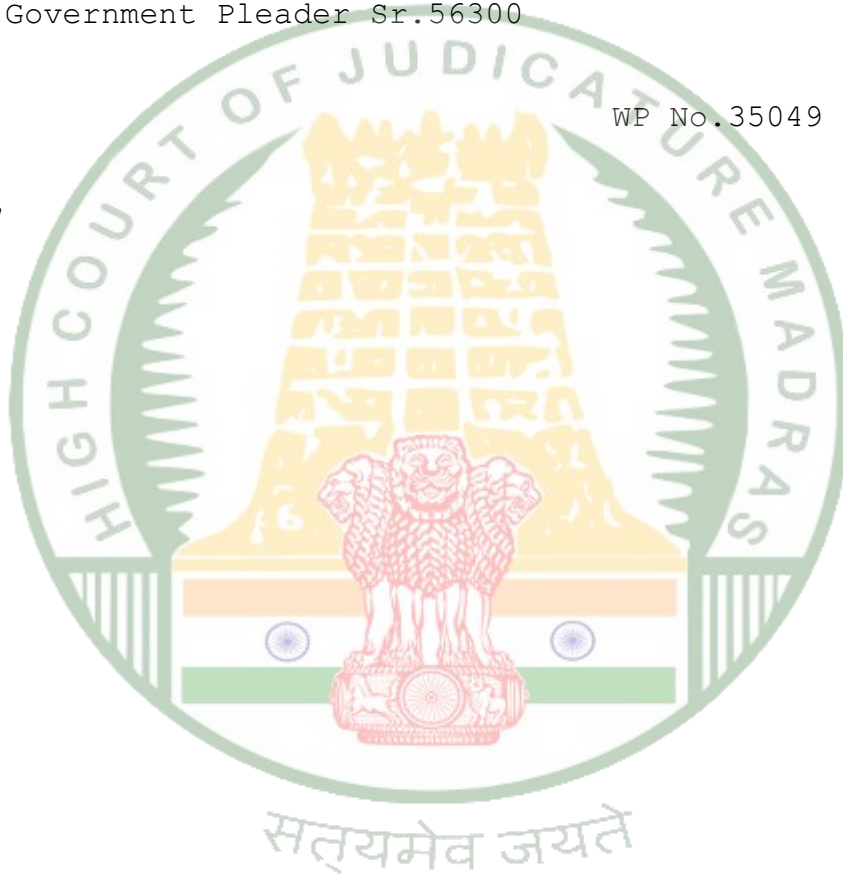
To

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

+ 1 cc to Mr. R. Sagadevan, Advocate Sr.55983
+ 1 cc to Government Pleader Sr.56300

WP No.35049 of 2016

SV(CO)
EU 7.09.17



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