



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.42 of 2014 &
M.P.(MD).No.1 of 2014

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai-600 009.
 2. The Inspector of Registration,
Santhome High Road,
Santhome, Chennai-28.
 3. The Assistant Inspector General of Registration,
Tirunelveli, S.N.High Road,
Tirunelveli.
- ... Appellants/Respondents

Vs.

K.Murugesan ... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order dated 02.09.2010 made in W.P.(MD).No.11377 of 2010.

Prayer in WP(MD). 11377/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the entire records from the 2nd respondent with regard to his charge memo No. 65090/V3/2009 dated 22.12.2009 and the consequential letter issued by the 1st respondent vide letter No. 8302/H/2010-1, dated 28.06.2010 and quash the same.

For Appellants : Mr.V.Muruganantham
Additional Government Pleader
For Respondents : Mr.N.Anantha Padmanaban

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

This appeal by the Government and two others is directed against the order in W.P.(MD).No.11377 of 2010, dated 02.09.2010. The respondent/writ petitioner is succeeded against the appellants



in quashing of the disciplinary proceedings initiated after retirement pursuant to the charge memo dated 22.12.2009.

2. Admittedly the petitioner has been allowed to retire on attaining the age of superannuation on 31.12.2009 and neither any liberty was reserved nor any order was passed in permitting the petitioner to retire. Therefore, the learned single Judge was vividly justified in allowing the writ petition. The learned Judge further noted that the no order has been passed retaining the petitioner in service under Rule 56 (1)(c) of the Fundamental Rules. Thus, when there is a cessation of employee and employer relationship between the appellants and the respondent, the issuance of proceedings after retirement, is clearly without jurisdiction.

3. On merits, the learned counsel for the respondent/writ petitioner would submit that there is no illegality committed by the respondent and the property statement was duly presented.

4. Since we find there is no illegality in the order passed by the Writ Court, we do not propose to go into the merits of the matter. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai-600 009.
2. The Inspector of Registration,
Santhome High Road,
Santhome, Chennai-28.
3. The Assistant Inspector General of Registration,
Tirunelveli, S.N.High Road, Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51740
+ 1 CC TO Mr.N.ANANTHA PADMANABAN, ADVOCATE IN SR No. 51818

JKR

<https://hccsccg.org.in/Services/27/04/2017> : 2P/6C

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