



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 18907 of 2017

and

W.M.P. (MD) No. 15243 of 2017

Pazha.Surya Kala

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari by calling for the entire records pertaining to the proceedings of the first respondent initiated through charge memo No.51512/V2/2015 dated 21.08.2017 and quash the same.

For petitioner
For Respondents

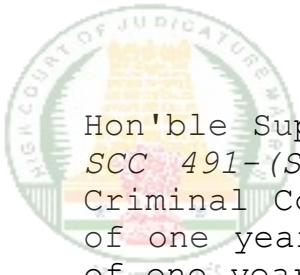
: Mr.R.Anand
: Mrs.S.Srimathy
Special Government Pleader

O R D E R

Heard the learned counsel on either side.

2.By consent of both parties, the main writ petition is taken up for final disposal.

3.The petitioner is working as Sub Registrar in the Registration Department. A vigilance case was registered against her. The criminal case has been taken as S.C.No.1 of 2017, on the file of the learned Special Judge for Trial cases of the Prevention of Corruption Act, 1988. The criminal case is still pending. In the mean while, the first respondent has issued a impugned charge memo, dated 21.08.2017. The allegation in the criminal case is that the petitioner demanded a sum of Rs.1,500/- from one Kamban. The criminal case as well as the charge memo are founded on the same set of facts. The witnesses are also identical. Therefore, if the petitioner is compelled to face disciplinary enquiry before trial starts in the criminal case, her defence will be prejudiced. The



Hon'ble Supreme Court reported in the decision reported in 2016 (9) SCC 491-(State Bank of India & Ors Vs.Neelam Nag), directed the Criminal Court to conclude the criminal prosecution within a period of one year. If the criminal case is not concluded within a period of one year, the disciplinary action gets revived.

WEB COPY

4.Following the said judgment of the Hon'ble Supreme Court, this Court is inclined to direct the learned Special Judge for corruption cases, Sivagangai, to conclude S.C.No.1 of 2017 within a period of one year from the date of receipt of a copy of this order. The departmental action shall be kept in abeyance till then. If the criminal case is not concluded within one year from today, then the departmental action will resume.

5.The Writ Petition is disposed of accordingly as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar, (Registrarion Department)
Office of the District Registrar,
Karaikudi, Sivagangai District.

+One cc to Mr.R.Anand, Advocate, SR.No.43632

tsg

RL/4C/2P/KK/SAR1/22/2/2018

ORDER MADE IN
W.P. (MD) No. 18907 of 2017
and
W.M.P. (MD) No.15243 of 2017