

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.15604 of 2009

S.Packiam

... Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Secretary to Government,
Commercial Taxes and Registration Department,
Chennai-600 009.

2. The Inspector General of Registration,
Chennai-28.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in connection with the impugned Charge Memo issued in and by his Proceedings in Lr.No.8477/H1/2004-25, Commercial Taxes Department, dated 18.01.2005 and quash the same.

For Petitioner : Mr.M.Ravi

For 1st Respondent : Mr.M.Elumalai, Govt. Advocate

For 2nd Respondent : Mr.T.M.Pappiah, Spl.G.P.

O R D E R

This Writ Petition is directed against the correctness of the impugned Charge Memo dated 18.01.2005 issued by the 1st respondent against the petitioner and to quash the same.

2. Learned Counsel for the petitioner submitted that during the pendency of the writ petition, the respondents have proceeded against the petitioner by holding enquiry and the Enquiry Officer, on completion of the enquiry, also submitted his report and in view of the pendency of this Writ Petition, the respondents have not passed any order. The learned Counsel for the petitioner further fairly submitted that unfortunately, the petitioner has been dismissed from service in connection with yet another proceedings against which he has also preferred a Writ Petition before this Court.

3. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the 2nd respondent submitted that in similar and identical circumstances wherein similarly placed persons were also issued with similar charge memo, on completion of the enquiry, the disciplinary proceedings were dropped. But in the present case, the petitioner was dismissed from service in connection with yet another disciplinary proceedings. Therefore, no order could be passed by the Disciplinary Authority and the present Writ Petition is liable for dismissal.

4. I am in full agreement with the argument of the learned Special Government Pleader appearing for the 2nd respondent that no employer and employee relationship exists, after the dismissal of the petitioner from service. Therefore, I find no merits in the present Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Chennai-600 009.

2. The Inspector General of Registration,
Chennai-28.

+lcc to the Government Pleader Sr.19989

+lcc to Mr.M.Ravi, Advocate Sr.19148

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srg 29/03/2019