IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal Nos.2405 and 2410 of 2019

A.Govindaraj
.... Appellant in the above W.As

Vs

1. The State, represented by
its Secretary to Government,
Commercial Taxes and
Registration Department,
Fort St. George, Chennai - 9.

2. The Inspector General of Registration,
100 Santhome High Road,
Santhome, Chennai - 600 028.

3. The Enquiry Officer,
Chennai Zone.
.... Respondents in the above W.As

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent to set aside the common order dated 08.10.2018 made in W.P.Nos.12844 of 2014 and 12845 of 2014.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned charge memos issued by the second respondent in his proceedings No.52539/B2/2004, dated 13.10.2004 and 45676/B4/2001 dated 6.3.2002 and the reports of the third respondent dated 6.12.2005 and 28.3.2005 and quash the same.

For Appellant : Mr.D.Sadhasivan

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

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The appellant challenged the charge memos dated 06.03.2002 and 13.10.2004 along with enquiry reports dated 06.12.2005 and 28.03.2005 before the Writ Court on various grounds including the ground relating to exercise of quasi judicial function while registering the documents under the Registration Act. The Writ Petitions were dismissed by the learned single Judge. Feeling aggrieved, the appellant has come up with these intra Court appeals.

2. The learned counsel for the appellant contended that another enquiry was conducted against the appellant and ultimately he was removed from service. The removal was about 10 years before. According to the learned counsel, in similar circumstances, the respondents have not proceeded with the enquiry on the basis of the subsequent charge memo and as such, the appellant is eligible for a similar treatment.

3. The challenge before the Writ Court was to the charge memos as well as to the enquiry reports. The enquiry reports submitted by the Enquiry Officer are still with the disciplinary authority. The disciplinary authority has to forward the enquiry reports to the appellant along with a second show cause notice calling upon him to state as to why the reports should not be accepted.

4. We direct the respondents to forward a copy of the enquiry reports to the appellant. The appellant should be given four (4) weeks time for submission of his response. It is open to the appellant to take up all the contentions available to him in the explanation to the second show cause cause. The concerned authority is directed to consider the explanation and pass appropriate orders on merits. We also make it clear that while passing orders the disciplinary authority shall not be influenced by the observation made by the learned single Judge in the common order impugned in these intra Court appeals. Such exercise shall be completed within an outer time limit of four (4) months from the date of receipt of a copy of this judgment.

5. The intra Court appeals are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
   Commercial Taxes and
   Registration Department,
   Fort St. George, Chennai - 9.

2. The Inspector General of Registration,
   100 Santhome High Road,
   Santhome, Chennai - 600 028.

3. The Enquiry Officer,
   Chennai Zone.

+2ccs to Mr.D.Sadhasivan, Advocate, S.R.No.64475 & 64476
+1cc to the Government Pleader, S.R.No.65520

Writ Appeal Nos.2405 and 2410 of 2019

MR(CO)

RRS(05/08/2019)