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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18875 of 2019

R.Sivasubramaniam

... Petitioner

Vs.

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 9.

2.The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 28.

3.The Sub Registrar,
Tiruppur District, Tiruppur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing 1st respondent to dispose of the appeal preferred by the petitioner against the order of the 2nd respondent in No.29316/A2/199 dated 12.04.2010 within the time stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner joined in the Registration Department in 1960. In 1997, he was working as Sub Registrar in the 3rd respondent Office. He was placed under suspension pending contemplation of disciplinary action on 22.05.2019. Subsequently, charges were framed alleging that the petitioner has caused monetary loss to the Government by undervaluing the document submitted for registration when he was working as Sub Registrar. The petitioner was not allowed to retire, when he attained the age of superannuation on 31.05.1997.

2.On completion of the enquiry, charges were held proved and thereafter, the petitioner appears to have been removed from service. As against the order of removal, the petitioner preferred an appeal on 22.05.2010 and according to the



petitioner, the appeal has not been disposed of even after a lapse of several years. Therefore, the petitioner is before this Court challenging the original order of dismissal from service on 12.04.2010.

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3. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that a direction may be issued to the 1st respondent to dispose of the appeal within a time frame fixed by this Court.

4. The learned Special Government Pleader for the respondents would submit that he has no objection for directing the 1st respondent to dispose of the appeal on merits.

5. In view of the above submission, the Writ Petition is disposed of, with the following direction:

The 1st respondent/competent authority is directed to dispose of the appeal said to have been submitted by the petitioner against the order of dismissal from service on 12.04.2010 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 9.

2. The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 28.

3. The Sub Registrar,
Tiruppur District, Tiruppur.

4. The Government Advocate,
High Court, Madras.

+1cc to Mr.R.Maheswaran, Advocate, S.R.No.60168

+1cc to the Government Pleader, S.R.No.59745

W.P.No.18875 of 2019

SPD(CO)

RRS(27/08/2019)