

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21024 of 2019

and

WMP.Nos.20211 & 20212 of 2019

R.Kumaresan

... Petitioner

Versus

1.The Inspector of General of Registration,
Santhome, Chennai.

2.The District Registrar,
Salai Vinayagar Street,
Dharmapuri - 636 701,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned charge memo issued by the first respondent in his proceedings No.27228/B1/2007, dated 30.10.2008 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs along with interest to the petitioner.

For Petitioner : Mr.Praksam C.

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

ORDER

This Writ Petition has been filed by the petitioner seeking, to call for the entire records relating to the impugned charge memo issued by the first respondent in his proceedings No.27228/B1/2007, dated 30.10.2008 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs along with interest to the petitioner.

2.The case of the petitioner is that he initially joined as Junior Assistant in the Registration Department. Thereafter, he

was promoted as Assistant and subsequently, promoted as Sub-Registrar. When he was working as as Sub-Registrar, a false complaint was filed against him and on 07.06.2007, the petitioner was discharged from his duty as Sub-Registrar at Shoolagiri for the alleged offence that he has demanded and accepted a sum of Rs.5,000/- as bribe. Thereafter, the petitioner was arrested by the Vigilance and Anti-Corruption Police for the above said offence. Hence, the first respondent issued a charge memo in his proceedings No.27228/B1/2007, dated 30.10.2008. When the charge memo was pending, the Criminal Court, Krishnagiri acquitted the petitioner on 12.11.2008 in C.C.No.14 of 2009. Though the Criminal Court acquitted the petitioner, the disciplinary proceedings were not yet concluded by the respondents. In the meantime, the petitioner attained superannuation on 28.02.2011, but, till date, the petitioner did not receive any of the retirement benefits. Therefore, the petitioner filed this present Writ Petition for the above said prayer.

3.Mr.C.Prakasam, learned counsel for the petitioner has submitted that unfortunately, a false criminal case had been foisted against the petitioner. After trial, the petitioner has been acquitted in the criminal case by the learned Chief Judicial Magistrate, Krishnagiri vide judgment 12.11.2008 in C.C.No.14 of 2009. However, even after acquittal, the petitioner's charge memo was not revoked, therefore, on 29.11.2018, the petitioner made a representation before the District Registrar, Dharmapuri and again on 20.03.2019, he made another representation to DIG of Registration, Salem to revoke his charge memo and to permit him to get all consequential service benefits, but till date, the said respondents were not considered.

4.In the above circumstances, this writ petition is disposed of directing the first respondent to consider the representations of the petitioner and to conduct a preliminary enquiry in the matter and after conclusion of the enquiry, the first respondent is directed to decide the eligibility of the petitioner to get terminal benefits. Thereafter, pass orders thereon in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

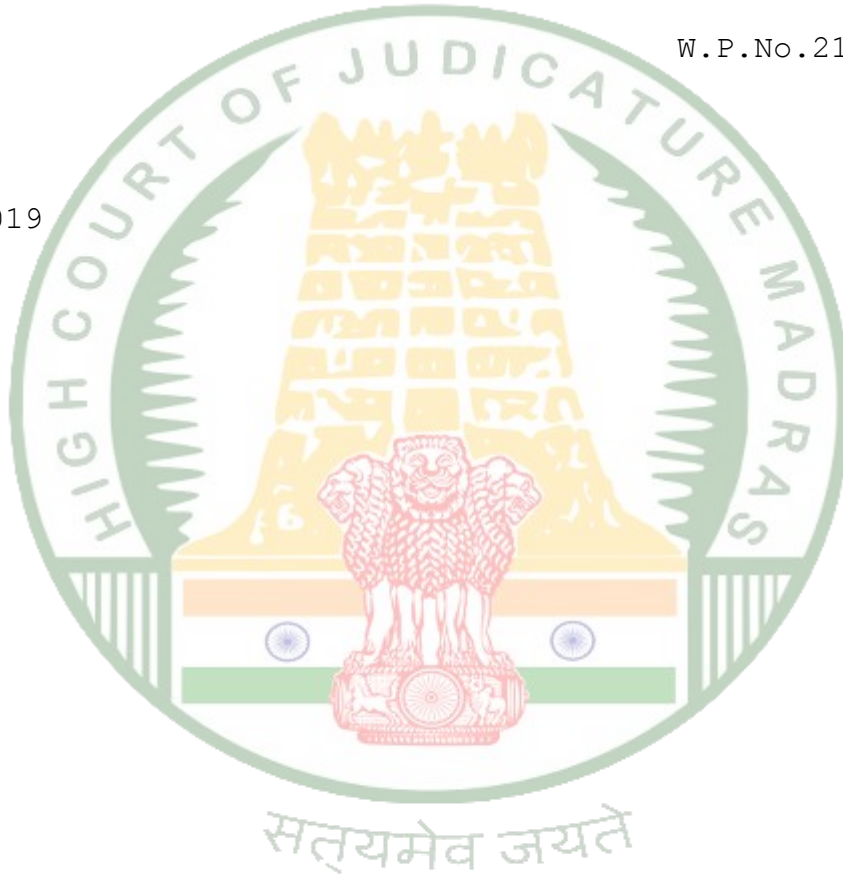
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+1 cc to Government pleader sr91135

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