

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.13566 of 2007
(O.A.No.2967 of 2003)

N.Arumugam

Office Assistant (Now removed from service)
District Registrar's Office North Chennai,
Chennai - 600001.

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by the Secretary to Government,
Commercial Taxes Department,
Fort St.George, Chennai - 9.

2.The Inspector General of Registration,
Santhome High Road,
Chennai - 600028.

3.Deputy Inspector General of Registration,
Rajaji Salai,
Chennai - 600001.

... Respondents

PRAYER : Originally this application has been filed as Original Application No.2967 of 2003 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, application has been transferred and re-numbered as W.P.No.13566 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order No.41944/B1/99-2 dated 06.05.2003 passed by the Inspector General of Registration, the 2nd respondent herein and quash the same.

For Petitioner : Mr.N.Suresh Kumar
for Mr.N.P.Kumar

For Respondent: Mr.K.Magesh
Special Government Pleader
[R1 & R2]

ORDER

This Writ Petition has been filed calling for records pertaining to the impugned order No.41944/B1/99-2 dated 06.05.2003 passed by the Inspector General of Registration, the 2nd respondent herein and quash the same.

2. The petitioner has filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai. Subsequently, due to abolition of the Tribunal, this matter was transferred to this Court and renumbered as W.P.No.13566 of 2007.

3. It is the case of the petitioner that he joined the Government Service on 22.04.1980 and he was working as Office Assistant in the office of the District Registrar North Chennai. In the year 1997, while he was working in the office of the Sub Registrar, Sowcarpet, Chennai, a charge memo was issued by the second respondent against him for obtaining a bribe of Rs.4,000/-. Thereafter, an inquiry was conducted and the charge levelled against the petitioner was proved. Subsequently, the petitioner submitted his representation on the findings of the Enquiry Officer. The second respondent, being not satisfied with the explanation offered by the petitioner and also based on the inquiry report, passed an order removing the petitioner from service. Challenging the said order, the petitioner filed the present writ petition which was originally filed as O.A.No.2967 of 2003.

4. The learned counsel appearing for the petitioner would submit that the second respondent, who has removed the petitioner from service, was not the competent authority and it is the District Registrar who has the authority to pass the final order of removal from service, since he was the appointing authority. He would further submit that though the charge framed against the petitioner was proved and the charge memo was modified, the petitioner was removed from service.

5. Learned Special Government Pleader would submit that the petitioner was working as Office Assistant in Sub Registrar Office and while he was in service, he obtained money from the complainant and as a public servant, he is not entitled to get any remuneration other than the monetary and legal benefits, therefore, he returned the money to the complainant. Hence, the charge memo was issued against the petitioner and the inquiry was conducted. The charge levelled against the petitioner was proved and the statement of PW-1 & PW-2 have been recorded and they have stated that the petitioner demanded money from the complainant and subsequently, the petitioner gave explanation. Based on the oral and the documentary evidence, the Enquiry Officer submitted before this Court that the charge levelled against the petitioner was proved and therefore, the

Disciplinary Authority after considering the explanation, has imposed the punishment of removal from service.

6. This Court has carefully perused the materials available on record.

7. Admittedly the petitioner was working as Office Assistant and a charge memo was issued against the petitioner as he demanded a sum of Rs.4,000/- from the complainant named Khivraj and accordingly, Khivraj gave a complaint to the Inspector General of Registration on 14.08.1997 and based on the complaint given by Khivraj, a charge memo was issued and subsequently, the charge was also altered and the inquiry was conducted by providing sufficient opportunity to the petitioner. Subsequently, he was removed from service. Though the learned counsel for the petitioner would submit that the Officer who had passed the order of removal from service is not a competent authority and the Registrar alone is the competent authority, the learned Special Government Pleader would submit that the Officer who had passed the order of removal from service is also the Officer of the District Registrar rank and therefore, the ground taken by the petitioner is not sustainable. The Disciplinary Authority has also filed a report stating that the charge framed against the petitioner was proved.

8. On a careful perusal of the entire materials available on record, it is pertinent to note that the allegation levelled against the petitioner was serious in nature and subsequently, the charge memo issued against the petitioner is also grave in nature and after conducting inquiry by the Enquiry Officer against the petitioner, the Disciplinary Authority imposed punishment of removal from service.

9. Considering the facts and circumstances of the case and grievous nature of the charge, this Court does not find any merit in the writ petition and there is no irregularity found in the impugned order and sufficient opportunities were given to the petitioner and fair inquiry was conducted and subsequently, Enquiry Officer gave a finding and based on the said report, the Disciplinary Authority passed the order of removal from service and therefore this Court finds no merit in the writ petition and the same is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
The State of Tamil Nadu
Commercial Taxes Department,
Fort St.George, Chennai - 9.

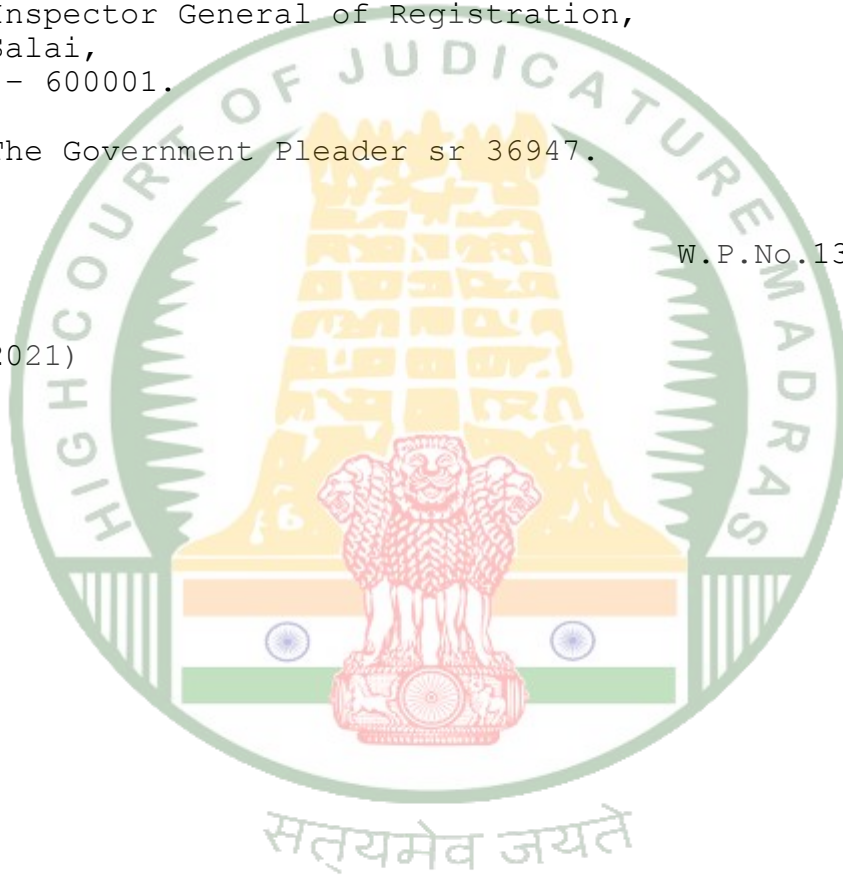
2.The Inspector General of Registration,
Santhome High Road,
Chennai - 600028.

3.Deputy Inspector General of Registration,
Rajaji Salai,
Chennai - 600001.

+1 CC to The Government Pleader sr 36947.

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VD(CO)
SP(05/01/2021)



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