

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO. 3059 of 2020

and

WMP Nos.3578 & 3579 of 2020

V. Selvam

... Petitioner

-Vs-

The Inspector General of Registration
Santhome High Road
Santhome, Chennai 600 028

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records of the respondents in connection with the impugned order passed by the respondent in Proc.No.29135/B2/2019 dated 24.01.2020 and to quash the same and direct the respondent to reinstate the petitioner into service with all service and monetary benefits.

For Petitioner : Mr. S. Sivakumar

For Respondent : Mr. T.M. Pappiah

Special Government Pleader.

ORDER

On the consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. This Writ Petition has been filed challenging the impugned suspension order passed by proceedings dated 24.01.2020.

3. The case of the petitioner is that she was serving as a Sub Registrar at Surandai Sub Registry during the year 2017. A charge memo came to be issued against the petitioner on 14.11.2018, which contained one charge with regard to the registration of certain documents. The petitioner gave

explanation. In the meantime, the petitioner was transferred from Surandai to Theni by proceedings dated 03.01.2019, since the respondent wanted to keep the petitioner in a non sensitive post. An enquiry officer was appointed and the petitioner participated in the enquiry and a report was also submitted by the enquiry officer to the respondent on 25.06.2019. It is seen from the enquiry report that the enquiry officer has found the charge to be proved.

4. It is the further case of the petitioner that yet another charge memo came to be issued to the petitioner on 04.01.2019, which contained nearly 6 charges. The petitioner gave her explanation for the charge memo. An enquiry officer was appointed and the petitioner participated in the enquiry and it is the case of the petitioner that the enquiry report has also been submitted to the respondent during June 2019. Thereafter, there were no further orders passed in the disciplinary proceedings. While so, the respondent had passed the impugned suspension order dated 24.01.2020 keeping the petitioner under suspension. A reading of the suspension order shows that it was issued only on the very same charge for which the enquiry has already been completed. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that the respondent, without passing final orders in the departmental action initiated against the petitioner, ought not to have placed the petitioner under suspension. The learned counsel further submitted that earlier the petitioner was transferred from Surandai to Theni during January 2019 only with an intention to post the petitioner in a non sensitive post. Thereafter, the enquiry has also been completed. Therefore, there was no need for the respondent to place the petitioner under suspension.

6. Per contra, Mr. Mr. T.M. Pappiah, appearing on behalf of the respondent submitted that the order of suspension was necessitated considering the charges against the petitioner. The learned counsel submitted that the petitioner had registered certain documents when there was an order of attachment that was already passed by the Debt Recovery Tribunal. Therefore, the respondent thought it fit to place the petitioner under suspension in public interest. The learned counsel further submitted that some time limit can be fixed by this Court for passing final orders in the departmental proceedings and till then, there is no requirement to interfere with the suspension order passed by the respondent.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. The facts that have been enumerated supra clearly goes to show that there were two charge memos issued against the petitioner and in both the charge memos, an enquiry officer was appointed and the petitioner participated in the enquiry and the enquiry officer has also submitted the report to the respondents. Therefore, what was pending was the final orders to be passed by the respondent based on the enquiry report and the explanation given by the petitioner. It is also seen from records that the petitioner was already transferred from Surandai to Theni on 03.01.2019 only by taking into consideration the disciplinary proceedings that were initiated against the petitioner and the respondent wanted to keep the petitioner in a non sensitive post.

9. In view of the above, the respondent, instead of passing final orders in the disciplinary proceedings, proceeded to pass a suspension order on 24.01.2020 for the very same charge. This order, passed by the respondent, cannot be countenanced and there was no necessity for the respondent to pass such an order at the fag end of the disciplinary proceedings. The order which is normally passed in the beginning of the disciplinary proceedings has been curiously passed at the end of the disciplinary proceedings for reasons best known to the respondent.

10. In view of the above discussion, there shall be a direction to the respondent to pass final orders in the disciplinary proceedings initiated against the petitioner within a period of six(6) weeks from the date of receipt of copy of this order . In the meantime, the suspension order passed by the respondent dated 24.01.2020, shall be kept in abeyance.

11. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CSVIII)

//True Copy//

Sub Assistant Registrar

bga

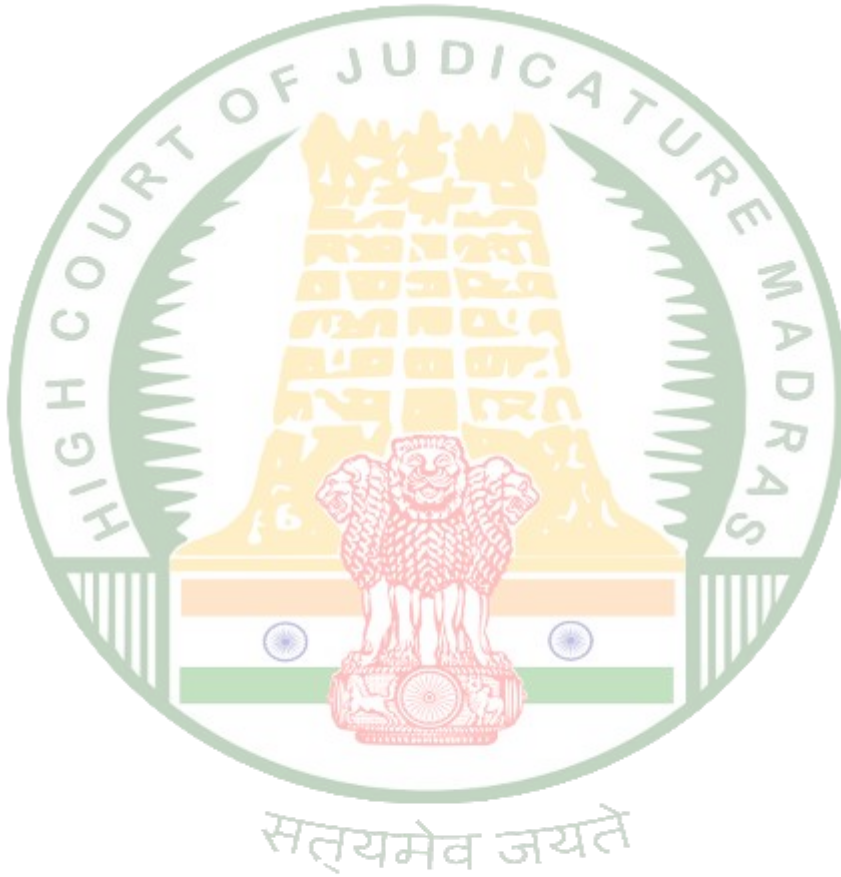
To

The Inspector General of Registration
Santhome High Road
Santhome, Chennai 600 028

+1cc to Mr.S.Siva kumar , Advocate SR.No. 12325
+1 cc to Government Pleader Sr.No. 13622

W.P.NO. 3059 of 2020

A.SK(19/02/2020)



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