



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD)No.6754 of 2020

S.Senguttuvan

... Petitioner

vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2.The District Registrar (Administration),
O/o.The District Registrar,
Marthandam,
Nagercoil,
Kanyakumari District.

3.The District Treasury officer,
O/o.The District Treasury office,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent No.1 to regularise the petitioner suspension period between 13.03.2019 to 30.06.2019 as duty period by considering his representation dated 18.03.2020 and further directed to provide all retirement and pension benefit to the petitioner as per the vide order of the Respondent No.1 in No.15055/A1/2019, dated 24.01.2020.

For Petitioner
For Respondents

: Mr.S.M.A.Jinnah
: Mr.V.Anand,
Government Advocate

ORDER

The Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent No.1 to regularise the petitioner suspension period between 13.03.2019 to 30.06.2019 as duty period by considering his representation dated 18.03.2020 and further directed



to provide all retirement and pension benefit to the petitioner as per the vide order of the Respondent No.1 in No.15055/A1/2019, dated 24.01.2020.

2.The learned counsel appearing for the petitioner would submit that on 20.01.1990 the petitioner was appointed as Assistant in the Public Works Department at Secretariat of Tamilnadu Government and he was recruited by the Tamilnadu Public Service Commission. Later, he was promoted as Assistant Section Officer int he same department in the year 1995. On 20.05.1995 he was selected as Grade II Sub-Registrar by the Tamilnadu Public Service Commissioner under direct recruitment. He was appointed on probation as a probationary Sub-Registrar Grade II at Saidapet, Chennai. Later, he was appointed as Additional Sub-Registrar in the office of the Sub-Registrar, Adayar, Chennai in the year 1996 and he worked there until 1997.

3. He further submitted that in the year 1997 he was appointed as a regular Sub-Registrar, Vedasandhur, Palani Registration District and he worked there until 2002. In my service period there is no negative remarks against him. While, the matter is being so he was transferred to the office of the Sub-Registrar, Kamuthi, Ramnad Registration District in the year 2002 and he worked there until 2006 and later transferred to the office of the Sub-Registrar, Kariyapatti, Virudhunagar Registration District on 22.10.2007. Subsequently, he was again transferred as Sub-Registrar in the office of the Sub-Registrar, Chekkanurani, Madurai (South) Registration District in the year 2007 and he served there until 2009.

4. He further submitted that in the year 2009 the petitioner was appointed as a Guideline Sub-Registrar, Tenkasi, Tirunelveli Registration District and he served there until 2013. Thereafter, he was transferred as Chit and Society Sub-Registrar, Nagercoil at Kanyakumari Registration District in the year 2013 and he served there until 2018. In such circumstances, the respondent No.1 issued an disciplinary proceedings in No.12431/A1/2002 dated 16.10.2009 with imposing a punishment of stoppage of increment for period of five years with cumulative effect, thereafter, he made an appeal before the Secretary to Government, Commercial Taxes and Registration Department, Chennai and on 18.05.2012 the Secretary to Government, Commercial Taxes and Registration Department, Chennai rejected his appeal and confirmed the order passed by the Respondent No.1, dated 16.10.2009 in his proceedings G.O.Ms.(D)No.197, dated 18.05.2012. Challenging the said G.O., the petitioner has filed a writ petition in W.P(MD)No.1031 of 2013 and on 27.02.2017, this Court allowed the writ petition.

5. Thereafter, in the year 2018 he was transferred as Guideline Sub-Registrar at Marthandam District Registration Office, Kanyakumari District. While so, the first respondent passed a



26.02.2019 and the same was received by him on 13.03.2019. Thereafter, he challenged the proceedings of the first respondent dated 26.02.2019 before this Court in W.P.(MD)No.8373 of 2019 and on 01.08.2019 this Court allowed the writ petition and set aside the proceedings of the first respondent.

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6. He further submitted that on 30.06.2019 the petitioner was allowed to retired from service. The first respondent revoked his dismissal order in No.15055/A1/2019 dated 18.11.2019 and permit him to retire from service in view of his superannuation and considered his representation regarding the charge against him and confirming the charges against him and asked him to collect the deficient amount of Rs.4,51,398/- from his pension and detected monthly Rs.7,500/- for a period of 60 installments and the remaining deficient amount of Rs.3,398/- would collect in 61 installments. In view of the requisition of the first respondent, the petitioner accept the same and wrote to recovery order. Thereafter, the first respondent passed the same order in No.15058/A1/2019 dated 24.01.2020. In such circumstances, after the petitioner's retirement on 30.06.2019, he has not received his service and retirement benefits till date from the Respondents. In this regard, the petitioner has given a representation to the first respondent to regularise his suspension period between 13.03.2019 to 30.06.2019 as duty period and to provide his service and retirement benefits on 18.12.2019, 30.01.2020, 05.02.2020 and 20.02.2020, having received the same, no action was taken. Thereafter, he sent another representation dated 18.03.2020 to the first respondent. The first respondent has not passed any orders on the representation, hence, the petitioner has filed the present writ petition for the above said relief.

7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

8. The petitioner was allowed to retire from service on 30.06.2019 and thereafter, the first respondent revoked the petitioner's dismissal order in No.15055/A1/2019 dated 18.11.2019 and super permitted him to retire from service on the date of superannuation by considering his representation regarding the charges made against him and while accepting/confirming the charges held against him had requested the first respondent to collect the deficient amount of Rs.4,51,398/- from his pension by deducting Rs.7,500/- per month for a period of 60 installments and the remaining deficient amount of Rs.3,398/- could be collected in 61st installment. In view of the requisition of the petitioner, the first respondent, had accepted the same on 06.12.2019 and passed an order in No.15055/A1/2019, dated 24.01.2020. Even though the delinquency committed has been confirmed, the first respondent has passed an order taking a lenient view by directing the petitioner to



9. The petitioner now filed this writ petition seeking for writ of mandamus, directing the first respondent to regularise the petitioner's suspension period between 13.03.2019 to 30.06.2019 as duty period by considering his representation, dated 18.03.2020 and further directed to provide all retirement and pension benefit to the petitioner as per the vide order of the first respondent in No.15055/A1/2019, dated 24.01.2020. The Government Advocate would submit that the suspension period cannot be regularised as the petitioner has accepted the delinquency committed.

10. The counsel for the petitioner prayed that he limits his prayer only to the extent that the respondents may be directed to consider his representation, dated 18.03.2020 to grant all his retirement and pensionary benefits alone within a specified period.

11. Considering the above prayer, this Court without expressing any view on merits directs the first respondent to consider the representation of the petitioner, dated 18.03.2020 and pass appropriate orders in accordance with law, as expeditiously as possible.

12. In the result, the writ petition is disposed of. No costs.

am

Sd/-

Assistant Registrar (crl side)

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/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2. The District Registrar (Administration),
O/o. The District Registrar,
Marthandam,
Nagercoil,

<https://hcservices.hc.mil/hcservices/> District.



3.The District Treasury officer,
O/o.The District Treasury office,
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