



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12966 of 2014

WEB COPY

R.Karuppanan

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.

2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

3.The District Collector,
Karur District,
Karur.

4.The District Registrar,
Karur District,
Karur.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to issue "No Objection Certificate" to the petitioner for enabling the petitioner to join duty in the regular vacancy in the School Education Department.

For Petitioner	:	Mr.P.Muthusamy
For R1 and R4	:	Mr.K.Sathiya Singh Additional Government Pleader
For R3	:	Mr.K.Mahendran Additional Government Pleader
For R2	:	Mr.K.K.Senthil

ORDER

The relief sought for in the present writ petition is to direct the respondents to issue 'No Objection Certificate' to the petitioner for enabling him to join duty in the regular vacancy in the School Education Department.

2.The petitioner was initially appointed as Junior Assistant on temporary post on Consolidated pay by the District Collector, Karur, in the Office of the third respondent in order dated 07.07.2003 and the petitioner was posted to the Registration Department, Karur. The Vigilance and Anti Corruption Department, conducted a ride in the office of the Sub Registrar, Melakarur and the petitioner was found



in possession of two pocket note containing entries of loan received for a sum of Rs.10,000/- and Rs.8,000/- each and there were entries of repayment of Rs.200/- and Rs.100/- without prior permission from the Department. Therefore, departmental disciplinary actions were initiated and the petitioner was terminated from service. Challenging the said termination order, the petitioner filed W.P(MD) No.8039 of 2011 and this Court passed an order on 01.08.2011 as follows:

"8.For the reasons stated supra, this Court is inclined to set aside the impugned order, dated 28.06.2011. Accordingly, the impugned order is set aside and the writ petition is allowed and consequently a direction is issued to the respondents to reinstate the petitioner in service. It is open to the respondents to formulate specific charges, under Rule 17(b) of the above said rules and take appropriate disciplinary action against the petitioner, if the respondents desired to do so. With the above directions, the writ petition is allowed. No costs."

3.Pursuant to the said order, the writ petitioner was reinstated in service and thereafter, he made a representation. Mean while, the petitioner submitted an application for recruitment in the Educational Department and he was selected. Thus, the petitioner made a request to issue "No Objection Certificate" from the respondents. On verification of the service records, the District Registrar(Administration) Karur, in his proceedings dated 06.05.2013, has stated that under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, charges were pending against the writ petitioner and further the conduct of the writ petitioner is satisfied.

4.The order of the High Court in W.P.No.8039 of 211 clearly states that the termination order was set aside and the respondents are directed to reinstate the petitioner in service. However, this Court held that it is open to the respondents to formulate specific charges against the writ petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, and initiate appropriate action against the petitioner. Thus, the authorities are bound to take a decision and the letter of the District Registrar, Karur, dated 06.05.2013 reveals that the charges were pending under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. Under these circumstances, the relief as such sought for to direct the respondents to issue "No Objection Certificate" cannot be granted. However, the respondents have to proceed with the enquiry proceedings which is pending against the petitioner and conclude the same at the earliest possible or if any action is pending against the writ petitioner then appropriate orders are to be passed to that effect. Any how,



the respondents are bound to verify the entire records and take appropriate decision in this regard.

5.In this view of the matter, the relief as such sought for cannot be granted and accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-600 028.

2.The District Collector,
Karur District,
Karur.

3.The District Registrar,
Karur District,
Karur.

+1 CC to M/s.GP (SR-23624[F] dated 02/12/2020)

+1 CC to M/s.GP (SR-23631[F] dated 02/12/2020)

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01.12.2020

VR (CO)

AP (10/12/2020) 3P 6C