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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. NO.33448 OF 2012

M.K.Selvadurai

..Petitioner

Vs.

1. Government of Tamil Nadu
rep. by its
The Secretary,
Commercial Taxes and Registration Department,
Secretariat, Chennai-9.
2. Inspector General of Registration,
No.100. Santhome High Road,
Chennai-28
3. District Registrar (Administration)
And Inquiry Officer
Kallakurichi
Villupuram District.

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to defer the departmental proceedings Charge Memo No.53415/V2/2007 dated 04.05.2009 till the conclusion of the criminal trial has to be accepted.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr. P.Sathish (R1 to R3)
Additional Government Pleader



O R D E R

This Writ Petition has been filed by the Petitioner challenging the proceedings of the second respondent dated 04.05.2009, initiating the domestic enquiry on the allegations levelled against the petitioner.

2. Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the Respondents 1 to 3 submitted that when the petitioner was working as Assistant in the office of the District Registrar, Cuddalore, he was trapped and arrested by the Vigilance and Anti Corruption Officials for the demand acceptance of bribe amount of Rs.300/- from one R.Shanmugam, Cuddalore District for processing, registering and issuing a certificate under the Tamil Nadu Societies Registration Act, due to which the petitioner was placed under suspension by the District Registrar, Cuddalore, in his proceedings No.8877/A1/2007 dated 25.10.2007. He further submitted that subsequently, the Vigilance & AntiCorruption Department filed a criminal case against the petitioner as Special Case No.5/2008 before the Chief Judicial Magistrate, Cuddalore. It is further submitted that consequent to the trap and arrest proceedings of the petitioner by the Vigilance officials, departmental disciplinary action under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were initiated and inquiry officer was also appointed by the second respondent vide proceedings dated 04.05.2009 and the petitioner was not allowed to retire from service on the date of his superannuation and was kept under extension of service till the conclusion of the criminal case pending against him. Challenging the said proceedings, the petitioner has filed this Writ Petition.

3. The learned Additional Government Pleader further submitted that the petitioner was convicted on 26.08.2015 in the above criminal case and was sentenced to undergo rigorous imprisonment for 6 months for the offence u/s 7 of Prevention of Corruption Act, 1988 and also sentenced to undergo rigorous imprisonment for one year for the offence under Section 13 (2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and the sentences are ordered to run concurrently and subsequently second respondent in exercise of powers conferred by Rule 17 (c) (i)(1) of The Tamil Nadu Civil Services (Discipline and Appeal) Rules, imposed punishment of dismissal from service on the Petitioner.

4. In view of the dismissal order passed by the second respondent, the prayer sought for in this Writ Petition has become infructuous and hence this Writ Petition is dismissed as



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infructuous. No costs. consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To

1. The Secretary,
Commercial Taxes and Registration Department,
Secretariat, Chennai-9.
2. Inspector General of Registration,
No.100. Santhome High Road,
Chennai-28
3. District Registrar (Administration)
And Inquiry Officer
Kallakurichi
Villupuram District.

+1cc to Special Government Pleader, SR.NO.67047

W.P. No. 33448 of 2012

RP (CO)
PM/20/01/2022