



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

**W.P. (MD)No.14582 of 2013 and
M.P. (MD)Nos.2 of 2013 and 1 of 2014**

K.Govindaraj

... Petitioner

vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 28.

2.The District Registrar (Administration),
Trichirapalli District, Trichy. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the first respondent in connection with the order passed by him in Memo No.32488/V2/2012, dated 30.07.2013 and quash the same.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for Mr.D.Selvanayagam
For Respondents : Mr.M.Linga Durai
Government Advocate

O R D E R

This Writ Petition is filed challenging the impugned order, dated 30.07.2013 passed by the first respondent.

2.Heard Mr.R.Singara Velan, learned Senior Counsel appearing for the petitioner and Mr.M.Linga Durai, learned Government Advocate appearing for the respondents.

3.It is stated that the petitioner was initially appointed as Masalji through Employment Exchange in 1997 and his service was regularised by order, dated 18.06.2012. The petitioner himself admitted that he was trapped and arrested on 26.06.2012 and a criminal case under the Prevention of Corruption Act, 1988, was registered by the Vigilance and Anti Corruption Department against the petitioner and the same is pending.

4.As against an order, dated 03.09.2012 terminating the petitioner's service on the ground of pendency of criminal case, the petitioner preferred a Writ Petition in W.P.(MD)No.12082 of 2012, and this Court, by order, dated 11.09.2012, quashed the impugned



order, dated 03.09.2012 and directed the respondents to induct the petitioner in service. Though an opportunity was given to the respondents to initiate action against the petitioner in accordance with the statutory provisions, no disciplinary proceeding is taken against the petitioner. However, by the impugned order, dated 30.07.2013, the petitioner was asked to submit his representation against the proposed cancellation of appointment. Stating that there cannot be any summery dismissal or termination of the petitioner from service without issuing a charge memo or following the procedure contemplated under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules, the petitioner has approached this Court with the above Writ Petition.

5.The learned Senior Counsel for the petitioner submitted that a fresh charge memo was issued against the petitioner and that therefore, it will be appropriate for him to get written instructions from the petitioner about his stand. It is admitted that the criminal case is pending and it is not investigated.

6.This Court is of the view that the impugned order, which is in the nature show cause notice, need not be interfered with by this Court at this stage. Hence, this Court, irrespective of the fact that whether a charge memo was issued or not, is inclined to dispose of the Writ Petition in the following lines:

6.1.There cannot be summery dismissal or termination of the service of the petitioner without following the procedure by initiating disciplinary proceedings as contemplated under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules. Hence, this Writ Petition is disposed of. However, it is always open to the Government to proceed against the petitioner in the manner known to law, as it was directed by this Court, by order, dated 11.09.2012 in W.P.(MD)No.12030 of 2012.

7.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr



To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 28.

2.The District Registrar (Administration),
Trichirapalli District, Trichy.

+1 CC to M/s.SPL. GP (SR-29749[F] dated 21/09/2021)

Order made in
W.P. (MD) No.14582 of 2013
17.09.2021

GC(27.09.2021) 3P 4C