



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) Nos.1751 and 20919 of 2018

and W.M.P (MD) Nos.20198, 18691, 18692 of 2018 and W.M.P (MD) No.18410
of 2019 and W.M.P (MD) No.1872 of 2018

In W.P (MD) No.1751 of 2018:

T.Indira

... Petitioner

Vs.

The Joint Commissioner (ST),
Madurai Division,
Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records relating to impugned Charge Memo issued by the respondent in her proceedings No.RC.No.5958/2017/AS dated 29.11.2017 and quash the same as illegal.

In W.P (MD) No.20919 of 2018:

T.Indira

... Petitioner

Vs.

1. The Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chennai - 600 005.
2. The Joint Commissioner (ST),
Madurai Division,
Madurai.

3.S.M.Saraswathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records relating to impugned Charge Memo issued by the second respondent in her proceedings No.RC.No.7789/2018/A8/24.07.2018 dated 24.07.2018 (received on 30.08.2018) and quash the same as illegal.

In W.P (MD) No.1751 of 2018:

For Petitioner	:	Mr.M.E.Ilango
For Respondent	:	Mr.A.K.Manikam Special Government Pleader

In W.P (MD) No.20919 of 2018:

For Petitioner	:	Mr.M.E.Ilango
For R1 & R2	:	Mr.A.K.Manikam Special Government Pleader
For R3	:	Mr.K.Appadurai



C O M M O N O R D E R

In W.P(MD)No.1751 of 2018, vide order dated 18.11.2021 I had stated as follows:

"The petitioner challenges a charge memo dated 29.11.2017. Pending Writ Petition, two(2) relevant events have been transpired. Firstly, the petitioner has, in spite of pendency of the charge memo, been considered for promotion to the post of the Joint Commissioner and has in fact been promoted. Promotion is subject to the result of disciplinary proceedings.

2. As far as the disciplinary proceedings are themselves concerned, the learned counsel for the petitioner states that enquiry is complete and that the Officer in the enquiry report has exonerated the petitioner in full. What remains to be seen is as to whether the State intends to accept the enquiry report or deviate from the same.

3. Let the decision in this regard be taken within one(1) week from today and communicated vide written instructions to this Court.

4. List on 26.11.2021".

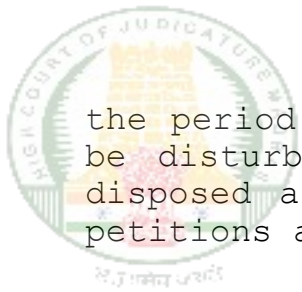
2. Time was sought on 26.11.2021 by Mr.A.K.Manikkam, learned Special Government Pleader to obtain instructions on the stand of the State as to whether they have intended to accept the report of the enquiry report and the matter was directed to be posted today.

3. Letter No.CD2/25399/2018 dated 09.12.2011 is today placed before this Court today which confirms the position that there has been no loss of revenue caused by the charged official, being the petitioner. Mr.A.K.Manikkam, learned Special Government Pleader would also confirm that the State has accepted the conclusion of the enquiry officer and does not intend to pursue the matter any further.

4. Pending writ petitions, the petitioner has already been promoted to the position of the Joint Commissioner (Commercial Tax) on 25.01.2021, there will be no hindrance caused to the petitioner by virtue of this charge.

5. As far as the charge, which is the subject matter of W.P.No.1751 of 2018 is concerned, the petitioner has obtained an order of interim stay from this Court, as a result of which, enquiry is yet to commence. Both the learned counsel would concur on the position that the enquiry be proceeded with and request that a time frame may be fixed by this Court.

6. Thus, a time frame of 8 weeks is fixed for the official respondents to hear the petitioner and conclude the enquiry. During



the period of enquiry and subject thereto, the petitioner shall not be disturbed from his present position. The Writ Petitions stand disposed as above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CM

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 Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam,
Chennai - 600 005.
2. The Joint Commissioner (ST),
Madurai Division,
Madurai.

+2 CC to M/s.M.E.ILANGO, Advocate (SR-38166,38165[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38334[F] dated 13/12/2021)

W.P. (MD) Nos.1751 and 20919 of 2018
and W.M.P (MD) Nos.20198, 18691, 18692 of
2018 and W.M.P (MD) No.18410 of 2019 and
W.M.P (MD) No.1872 of 2018

09.12.2021

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