



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 3734 of 2022

K.Jayakumar

..Petitioner

Vs.

The Inspector General of Registration,
Santhome High Road,
Chennai-28

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider and pass appropriate order on the representation made by the petitioner dated 07.12.2021 within a reasonable time and to settle the monetary benefits.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr. R.Vigneshwaran, GA

O R D E R

The prayer sought for in the writ petition is to directing the respondent to consider and pass appropriate order on the representation made by the petitioner dated 07.12.2021 within a reasonable time and to settle the monetary benefits.

2. The learned counsel for the petitioner has submitted that while the petitioner serving as Junior Assistant, Sembium based on the complaint lodged by one James, a criminal case came to be registered against petitioner in Crime N. 791/2002 U/s. 465, 466, 467, 468, 471 and 120(B) IPC and arrested. The petitioner was suspended from service and later based on the interim order of this Court, the petitioner was reinstated into service, but the respondent had no initiated appropriate disciplinary proceedings against the petitioner as directed by this Court. After a lapse of 14 years i.e on 17.08.2012 the respondent had issued a charge memo u/r 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

3. The learned counsel for the petitioner has further submitted that this Court by order dated 30.07.2014 in W.A.No.



913 of 2013 has quashed the above said said charge memo and held that the petitioner who is arrayed as A1 is convicted in the criminal case in C.C.No. 103 of 2007, it is open to the department to initiate fresh proceedings u/4 17(c) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. Subsequently, the petitioner attained the age of superannuation on 30.11.2012. The respondent not allowed the petitioner to retire from service vide proceeding dated 29.11.2012, however placed the petitioner under suspension, citing reasons that the criminal case is pending.

4. The learned counsel for the petitioner has further submitted that this Court in CrI.O.P.No. 15608 of 2021 by order dated 25.11.2021 quashed the criminal case initiated against the petitioner in Cr.No. 791/2002 (C.C.No. 103 of 2007) on the file of the Special Court for CCB and CBCID Cases, Chennai. The contention of the learned counsel for the petitioner is that following the said order of this Court, the Special Court for CCB and CBCID has closed the case against the petitioner and there is no departmental or criminal case is pending against the petitioner as on date, therefore, there is no legal impediment to allow the petitioner to retire from service and to settle the monetary benefits. The petitioner has also made a detailed representation dated 07.12.2021 to the respondent seeking revocation of suspension and to pay the monetary benefits, but the same is pending on the file of the respondent without any action. Hence the present writ petition.

5. The learned Government Advocate appearing for the respondent has submitted that the said representation dated 07.12.2021 submitted by the petitioner will be considered and appropriate orders will be passed by the respondent within a time frame as stipulated by this Court.

6. Having regard to the submissions made by both the learned counsels appearing for the parties concerned, this Court direct the 1st respondent to consider the representation submitted by the petitioner dated 07.12.2021 and pass orders on its merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar



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To

WEB COPY

The Inspector General of Registration,
Santhome High Road,
Chennai-28

+1cc to Mr.S.Sivakumar, Advocate SR.No.11643

+1cc to Government Pleader SR.No.11592

W.P.No.3734 of 2022

BP(CO)
GMY(18/03/2022)