



WEB COPY



W.P.No.21795 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21795 of 2016

K.Rajaram

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Commercial Taxes and Registration (E1)
Department,
Fort St.George,
Chennai.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent in his proceedings in G.O.D.No.244, Commercial Taxes and Registration (E1) Department dated 02.07.2015, quash the same and consequently direct the respondent to reinstate the petitioner with all benefits.

For Petitioner : Mr.C.Vigneswaran

For Respondent : Mrs.K.Vasanthamala
Government Advocate



W.P.No.21795 of 2016

ORDER

WEB COPY The order of suspension issued with reference to the allegation of demand of Rs.4 Lakhs as bribe amount is under challenge in the present writ petition.

2. A Criminal Case was registered under the Prevention of Corruption Act by the Vigilance and Anti-Corruption Department and the said criminal case is pending.

3. The learned Government Advocate appearing on behalf of the respondent made a submission that the departmental disciplinary proceedings have already commenced and a charge memo was issued to the writ petitioner on 13.04.2018 and an enquiry officer was appointed on 24.06.2019 and the enquiry officer conducted hearing on 15.10.2019 and 10.08.2020. However, the petitioner has not appeared before the enquiry officer to defend his case.

4. The petitioner is at liberty to participate in the process of enquiry



W.P.No.21795 of 2016

and defend his case in the manner known to law. If at all the petitioner is not appearing continuously, then the authorities have no option, but to proceed with the exparte enquiry by following the procedures as contemplated. However, the departmental disciplinary proceedings initiated cannot be kept pending for an indefinite period. The charge memo has already been issued and pendency of the criminal case is not a bar for continuing the departmental disciplinary proceedings.

5. Thus, the respondent has rightly proceeded with the departmental enquiry and they are bound to continue the same by following the procedures and by affording opportunity to the writ petitioner and dispose of the same as expeditiously as possible.

6. Regarding the impugned order of suspension, the authorities have to review the same after the disposal of the departmental disciplinary proceedings, which is to be concluded without any further loss of time.



W.P.No.21795 of 2016

7. With these observations, the writ petition stands disposed of. No costs.

20.10.2022

Index : Yes
Speaking order: Yes
kak

To

1. The Principal Secretary,
Commercial Taxes and Registration (E1)
Department,
Fort St. George,
Chennai.



WEB COPY



W.P.No.21795 of 2016

S.M.SUBRAMANIAM, J.

kak

W.P.No.21795 of 2016

20.10.2022