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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-06-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.36017, 35673, 35684, 35878 and 36127 of 2015

And

MP Nos.1 and 2 of 2015

K.Somasundaram

...Petitioner in all WPs

vs.

Government of Tamil Nadu,
Represented by Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai - 600 009.

...R-1 in all WPs

The Inspector General of Registration,
Chennai - 600 028.

... R-2 in all WPs

WP 36017 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent relating to charge memo No.48862/B2/2008 dated 23.01.2009 to quash the same.

WP 35673 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent relating to charge memo No.26745/B2/2007 dated 25.06.2007 to quash the same.

WP 35684 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent relating to charge memo No.53671/B2/2006-1 dated 30.10.2006 to quash the same.

WP 35878 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari and Mandamus, calling for the records of the second respondent relating to orders in (1) Pro.No.53671/B2/2006-2 dated 30.10.2006 (2) Pro.No.53671/B2/2006-3 dated 30.10.2006 and (3) charge memo No.18533/B2/2007 dated 07.05.2007, to quash the said orders and issue consequential directions to the respondents to permit the petitioner to retire from service on 30.10.2006 AN



with entitlement of all consequential pensionary and retirement benefits and disburse the same with interest.

WP 36127 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the second respondent relating to charge memo No.15271/B2/2009 dated 13.06.2009 to quash the same.

For Petitioner in all Wps : Mr.I.Kabilan for
Mr.M.Ravi.

For Respondents in all WPs: Ms.S.Anitha,
Special Government Pleader.

C O M M O N O R D E R

The charge memos issued under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, 1955, are under challenge in these petitions.

2. The allegations against the writ petitioner are regarding huge financial loss to the State and based on the department audit actions were initiated. These writ petitions have been filed mainly on the ground that there was a delay in instituting disciplinary proceedings. However, the learned counsel for the petitioner now made a submission that during the pendency of these writ petitions, the Enquiry Officer was appointed and who in turn conducted an enquiry and submitted his final report to the Disciplinary Authority. The respondents have not passed final orders in view of the pendency of these writ petitions.

3. In view of the fact that the departmental enquiry has already been concluded in all respects and the enquiry report also has been submitted by the Enquiry Officer, there is no reason to interfere with the charge memos issued against the writ petitioner. Further, the allegations against the writ petitioner are serious in nature and therefore, the Disciplinary Authority has to consider the case on merits and take a decision in accordance with law.

4. This being the factum established, the respondents are directed to pass final orders in the departmental disciplinary proceedings initiated against the writ petitioner on merits and by following the procedures contemplated as expeditiously as possible and preferably within a period of 12 weeks from the date of receipt of a copy of this order.



5. With the abovesaid directions, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat,
Chennai - 600 009.
2. The Inspector General of Registration,
Chennai - 600 028.

+1cc to Mr.M.Ravi, Advocate, S.R.No.38153

+1cc to the Government Pleader, S.R.No.38839, 38555

WPs 36017, 35673, 35684, 35878
and 36127 of 2015
MP Nos.1 and 2 of 2015

NK(CO)
RGA(01/07/2022)