THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.904 of 2018

V.Prakash ...Appellant

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration (K) Dept.,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2.The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 28. ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order made in W.P.No.43016 of 2016 dated 11.01.2018.

For Appellant : Mr.L.Chandrakumar

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge in the Writ Appeal is to the order of the Writ Court, dismising the Writ Petition filed questioning the punishment of stoppage of increment for one year without cumulative effect.

2.Though four charges were framed against the petitioner, three of them were dropped subsequently, only one charge was maintained. The charge was that the petitioner who was the Sub-Registrar had engaged services of six out siders to work in the Office of the Sub-Registrar, Palladam on a daily wage of Rs.100/- per head. The petitioner denied the said charge. The said six persons were examined before the enquiry Officer and all of them made statements to the effect that they were working at the instance of the Sub-Registrar namely, the appellant and they were being paid Rs.100/- per day as wages.

3.However, during cross-examination, they turned hostile and claimed that they had visited the Sub-Registrar's Office on that day for various other purposes. The Enquiry Officer exonerated the appellant on the ground that there is no sufficient evidence to prove the guilt. However, the disciplinary authority deviated and after giving an opportunity to show cause to the appellant, concluded that the charge stood proved.

4.Upon such conclusion, the punishment as aforesaid was imposed. Before the Writ Court a very novel plea was taken to the effect that these persons were not engaged by the appellant, who had joined duty at the Sub-Registrar's Office, Paladam only six months prior to the date of the inspection. The Writ Court repelled the said contention stating that even if they had been engaged prior to the appellant taking charge as a Sub-Registrar, the Appellant as a responsible government servant must have brought to notice of the higher authorities and discontinued the practice. Continuance of a wrong practice or a illegal act would also amount to a delinquecy. The Writ Court has gone into the evidence of all the six persons, who were found to have been working and has found that their evidence in chief-examination is reliable and that they have been won over during cross-examination.

5.We do not find any compelling reason to differ from the conclusions of the Writ Court on the reliability of the evidence of the six individuals, who were found to be working. Once it is found that the strangers were allowed to do the official work in a Government office, the person in-charge of the Office is necessarily guilty of indiscipline. No Government servant is expected to engage the services of outsiders either for payment or for gratice.

6.In such view of the matter, we do not see any reason to interfere with the decision of the Writ Court. This Writ Petition therefore, fails and it is accordingly, dismissed. No costs.

(R.S.M.,J.) **(S.S.K.,J.)**
19.12.2022

kkn

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To:-

1.The Principal Secretary to Government,
Commercial Taxes and Registration (K) Dept.,
Government of Tamil Nadu,
Fort St.George, Chennai-9.

2.The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 28.

R.SUBRAMANIAN, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

KKN

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