IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 4046 of 2014

R.S.Rajan ...Petitioner

-Vs-

1. The Secretary to Government of Tamilnadu,
   Commercial Taxes Department,
   Fort St.George, Chennai - 600 009.

2. The Inspector General of Registration,
   Santhome High Road, Chennai -4. ...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the proceedings of the second respondent in its proceedings no.4879/A3/2002 dated 05.04.2003 and the consequential order passed by the first respondent in Letter No.16702/K/2012-1 dated 13.03.2013 and quash the same.

For Petitioner : Mr.S.Mahesh
for Mr.V.Vijay Shankar

For Respondents: Mr.S.Prabhakaran
Government Advocate

ORDER

The order of punishment imposed on the petitioner for stoppage of increment for one year without cumulative effect in proceedings No.4879/B3/2002 dated 05.04.2003 is under challenge in the present writ petition.

2. The petitioner at the time of filing of the Writ petition was working as Deputy Registrar. Based on the orders passed by the High Court in W.P.No.17704 of 2001, a show cause notice was issued under Rule 17(a) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955. Subsequently, the minor penalty of stoppage of increment for one year without cumulative effect has been imposed on the petitioner. The petitioner preferred an appeal before the appellate authority who inturn replied stating that subject to the final orders passed in the Writ Appeal filed by the respondent, the appeal filed by the

petitioner will be decided.

3.The learned counsel for the petitioner states that W.A.No.2965 of 2001 is still pending and is not disposed of on merits, so also the appeal preferred by the petitioner is also pending. The rights of the petitioner cannot be now decided finally in view of the pendency of the Writ Appeal as the charge memo was issued based on the order passed in the writ petition and the said order is the subject matter in the writ appeal.

4.This being the factum, the validity of the punishment is to be considered by the appellate authority only after the disposal of the writ appeal in W.A.No.2965 of 2001.

5.In view of the above facts and circumstances, the petitioner is at liberty to approach the competent authority after the disposal of the Writ Appeal, for appropriate relief.

6.With the above observations, the Writ Petition stands disposed by granting liberty to the petitioner to approach competent authority. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Secretary to Government of Tamilnadu,
   Commercial Taxes Department,
   Fort St.George, Chennai - 600 009.

2. The Inspector General of Registration,
   Santhome High Road, Chennai -4.

W.P.No.4046 of 2014

PL(CO)
RGA(20/06/2022)