



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.6561 AND 6562 OF 2014

W.P.No.6561 of 2014 :

J.Subbukrishnan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by the
Principal Secretary to Government,
Commercial Taxes and Registration Department
Secretariat,
Chennai - 600 009.
2. The Tribunal for Disciplinary Proceedings
Represented by the
Commissioner
Trichy Road,
Market Committee Complex,
Ramanathapuram,
Coimbatore - 45.
3. The Inspector General of Registration,
Chennai - 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records on the file of the second respondent herein in TDP Case No.25/2011 A2 in Ref. No. 1108/2010/A2 dated 19.05.2011 and quash the same.

W.P.No.6562 of 2014 :

N.Rajan

... Petitioner

Vs.



WEB COPY

1. The Government of Tamil Nadu
Represented by the
Principal Secretary to Government,
Commercial Taxes and Registration Department
Secretariat,
Chennai - 600 009.
2. The Inspector General of Registration,
Chennai - 600 028.
3. The Tribunal for Disciplinary Proceedings
Represented by the Commissioner
Coimbatore - 641 045.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records on the file of the third respondent herein in TDP Case No.25/2011 A2 in Ref. No. 1108/2010/A2 dated 19.05.2011 and quash the same.

For Petitioners	:	Mr.I.Kabilan For Mr.M.Ravi (in both W.Ps)
For Respondents	:	Mr.A.M.Ayyadurai Government Advocate (in both W.Ps)

COMMON ORDER

The proceedings referred to the Tribunal for Disciplinary Proceedings in TDP Case No.25 of 2011, dated 19.05.2011, is under challenge in these writ petitions.

2.The writ petitioners are the employees working in Registration Department. A raid was conducted by the officials of the Vigilance and Anti-Corruption Department and certain unaccounted money was confiscated during the raid.

3.The learned counsel for the petitioners made a submission that the petitioners have given convincing explanation and without accepting the said explanation, the Department issued



the charge memo. The learned counsel for the petitioners also made a submission that, after framing of the charges by the Registration Department, the disciplinary proceedings were also referred to the Tribunal for conducting enquiry. Therefore, the Department of Registration cannot conduct enquiry and in the event of two enquiries being conducted in respect of the same set of allegations, the same is a violation of principles of double jeopardy.

4.This Court is of the considered opinion that, in respect of the same set of charges, two enquiries cannot be conducted, as rightly pointed out by the learned counsel for the petitioners. However, in the present case, the charge memo issued by the Department was referred to the Tribunal for Disciplinary Proceedings, for conducting enquiry. Accordingly, the Tribunal for Disciplinary Proceedings numbered the case as TDP Case No.25 of 2011. Now, the Tribunal for Disciplinary Proceedings has to conduct the trial and submit a report to the authorities competent for passing final orders in the disciplinary proceedings. The petitioners could not establish that the Registration Department is continuing the enquiry proceedings. Once the disciplinary proceedings are referred to the Tribunal for Disciplinary Proceedings, then the Tribunal has to conduct enquiry as expeditiously as possible and submit a report for taking further action by following the procedures as contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

5.The petitioners raised several grounds in the writ petitions defending the allegations as well as its initiation. All such grounds can be raised before the Tribunal for Disciplinary Proceedings for effective adjudication of issues. During the pendency of the disciplinary proceedings, this Court cannot make any finding on merits in respect of the allegations or with reference to the grounds raised. The Tribunal for Disciplinary Proceedings has to consider all the nature of the charges and other documents available on record by affording opportunity and have to submit a report for initiating further action.

6.The present writ petitions have been filed, not challenging the charges framed by the Department, but to quash the TDP Case which deserves no merit consideration. The case before the TDP was registered in the year 2011 and therefore, the Tribunal has to proceed with the trial and conclude the same as expeditiously as possible and by affording opportunity to the delinquent officials. However, the relief as such sought for to quash the proceedings cannot be granted.



WEB COPY

Accordingly, these Writ Petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Jeni/Mkn

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat,
Chennai - 600 009.
2. The Commissioner,
Tribunal for Disciplinary Proceedings
Trichy Road,
Market Committee Complex,
Ramanathapuram,
Coimbatore - 45.
3. The Inspector General of Registration,
Chennai - 600 028.

+1cc to M/s.M.Ravi, Advocate, S.R.No.34014

+1cc to the Government Pleader, S.R.No.34217

W.P.Nos.6561 and 6562 of 2014

AK-II (CO)

RLP (20/06/2022)