



WEB COPY



W.P.No.24616 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24616 of 2014

K.Natarajan

... Petitioner

Vs.

The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 600 028.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in his proceedings No.31468/Aa3/2008 dated 03.12.2013 and to quash the same and direct the respondent to disburse the service benefits such as pension, gratuity etc.

For Petitioner : Mr.V.Deepan Raj Krishna
For Mr.V.Krishnamoorthy

For Respondent : Mr.S.Prabhakaran
Government Advocate

ORDER

The relief sought for in the present writ petition is to quash the rejection order dated 03.12.2013, rejecting the claim of the writ petitioner to settle the terminal and pensionary benefits and to direct the respondent to settle the benefits.



2. The petitioner was an employee served in the Registration Department in the cadre of Sub-Registrar. He was trapped by the Department of Vigilance and Anti Corruption on 02.07.2008 and a Criminal Case was registered under the Prevention of Corruption Act in Crime No.1 of 2008.

3. The learned counsel for the petitioner made a submission that the Criminal Case was ended with an order of acquittal.

4. Acquittal in a Criminal Case is not a ground to seek exoneration from the departmental disciplinary proceedings. The Competent Authorities are empowered to continue the departmental disciplinary proceedings, even after the acquittal of an employee in the Criminal Case. The proceedings to be adopted in a Criminal Case under the Criminal Procedures Code cannot be compared with the departmental disciplinary proceedings, wherein, the procedures are different and distinct. Thus, acquittal in a Criminal Case cannot be a ground to seek exoneration from the departmental disciplinary proceedings. Standard of proof required in a Criminal Case is strict. However, no such strict proof is required to punish an employee, under the Discipline and Appeal Rules.



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5. Preponderance of probability is enough to punish an employee under the Discipline and Appeal Rules. Thus, there is no bar for the Authorities to continue the departmental disciplinary proceedings and in the present case, the Authorities have rightly continued the departmental disciplinary proceedings and disposed of the same as expeditiously as possible.

6. The petitioner has already reached the age of superannuation and not allowed to retire from service. Thus, speedy disposal of the departmental disciplinary proceedings are warranted. Thus, to settle the terminal benefits arises only after the disposal of the departmental disciplinary proceedings, which is pending against the writ petitioner as of now. The Department is empowered to continue the departmental disciplinary proceedings based on the documents and evidences available on record and by affording opportunity to the writ petitioner and by following the procedures as contemplated under the Discipline and Appeal Rules.

7. This being the factum established, the settlement of terminal benefits as prayed cannot be granted as of now. However, the said claim of



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the writ petitioner is to be considered only after the disposal of departmental disciplinary proceedings pending against the writ petitioner.

8. With these observations, the Writ Petition stands disposed of. No costs.

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Index : Yes
Speaking order : Yes

To

The Inspector General of Registration,
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