IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.12.2022**

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33814 of 2022
and
W.M.P.No.33308 of 2022

A.Senthur Pandian ... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by
The Secretary to the Government,
Commercial Taxes and Registration (H1) Department,
St.George Fort, Secretariat,
Chennai - 600 009.

2.The Secretary to the Government,
Commercial Taxes and Registration (H1) Department,
St.George Fort, Secretariat,
Chennai - 600 009.

3.The Tribunal for Disciplinary Proceedings, Rep. by,
The Commissioner,
Kuralagam,
Chennai - 600 108. ... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the file of the 2nd respondent in connection with the order passed by her in Letter (2D) No.84 dated 21.10.2022 and quash the same.

For Petitioner	:	Mr.Singaravelan Senior Counsel for Mr.M.Muruganandam
For Respondents	:	Mr.D.Ravichander Special Government Pleader

ORDER

The petitioner seeks to review the order of the first respondent dated 21.10.2022 under which the first respondent has requested the Commissioner, Tribunal for Disciplinary Proceedings, Chennai - 108 to conduct an enquiry against the petitioner pursuant to the Government Letter (2D) No.83, Commercial Taxes and Registration (H1) Department, dated 21.10.2022.

2. The contention of the petitioner is that having dropped the charges against the petitioner on 21.10.2022 in Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department, the question of referring the matter to the Tribunal for Disciplinary Proceedings, Chennai - 108 by the first respondent on 21.10.2022 will not arise.

3. Learned Senior counsel for the petitioner drew the attention of this Court to the Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department dated 21.10.2022 as well as to the reference Letter (2D) No.83, Commercial Taxes and Registration (H1) Department dated 21.10.2022 issued by the first respondent referring the matter to the Tribunal for Disciplinary Proceedings, Chennai - 108 and would submit that without affording any opportunity to the petitioner though the charges against the petitioner were dropped on 21.10.2022 in Government Letter (2D) No.84 referred to supra, the first respondent has arbitrarily referred the matter to the Tribunal for Disciplinary Proceedings, Chennai - 108, requesting the Tribunal to conduct an enquiry with regard to the same charges which the petitioner claims were already dropped by Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department dated 21.10.2022.

4. However, learned Special Government Pleader appearing for the respondents would submit that only three charges were dropped against the petitioner in Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department dated 21.10.2022 and only in respect of the

remaining charges which are seven in number, as seen from the impugned report dated 21.10.2022 issued by the first respondent to the Tribunal for Disciplinary Proceedings, Chennai - 108, request was made by the first respondent to the Tribunal to conduct an enquiry against the petitioner with regard to the said charges.

5. However, learned Senior Counsel appearing for the petitioner would submit that excepting for change of wordings made by the first respondent in his letter dated 21.10.2022 addressed to the Tribunal for Disciplinary Proceedings, Chennai - 108, the charges which were dropped earlier against the petitioner on 21.10.2022 in Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department have once again been directed to be investigated by the Tribunal for Disciplinary Proceedings, Chennai - 108 under the letter of the first respondent dated 21.10.2022. He would also submit that no opportunity was granted to the petitioner before the first respondent had addressed a letter to the Tribunal for Disciplinary Proceedings, Chennai - 108 on 21.10.2022 to proceed against the petitioner and conduct an enquiry.

6. This Court, after giving due consideration to the submissions made by the respective counsels, is of the considered view that no prejudice would be caused to any of the parties if the petitioner's representation dated 10.12.2022 requesting for dropping of further proceedings by the Tribunal for Disciplinary Proceedings, Chennai - 108 based on Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department dated 21.10.2022 is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 10.12.2022 requesting for dropping of all further proceedings pursuant to Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department dated 21.10.2022 within a period of four weeks from the date of receipt of a copy of this order. Till final orders are passed by the first respondent, the Tribunal for Disciplinary Proceedings, Chennai - 108 shall not act upon the Government Letter (2D) No.84, Commercial Taxes and Registration (H1) Department issued by the first respondent.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

20.12.2022

Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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W.P.No.33814 of 2022

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(1/2)