



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.02.2022**

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.2869 of 2022

and

W.M.P. (MD)Nos.2510 & 2511 of 2022

R.Chandrasekar

...Petitioner

/Vs/

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600028.

2.The District Registrar (Administration),
Additional Incharge,
Pattukkottai,
Thanjavur District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in No.3695/A1/2021, dated 13.01.2022 and quash the same as illegal.

For Petitioner : Mr.A.C.Asaitambi

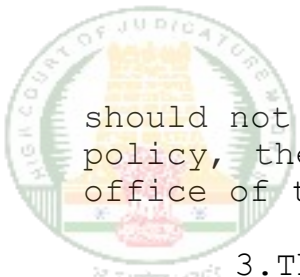
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

A writ of certiorari is filed questioning the validity of the order dated 13.01.2022 passed by the second respondent. The writ petitioner, Mr.R.Chandrasekar, as per the impugned order, is now working as Assistant Sub-Registrar (in-charge) at Pattukottai. The petitioner is due to retire from service on attaining the age of superannuation on 30.06.2022.

2.As per the policy of the Registration Department, an employee, who is going to retire during the last six months, he

<https://hcservices.ecourts.gov.in/hcservices/>



should not be accommodated in sensitive post and in view of the said policy, the petitioner is now directed to work as Assistant in the office of the District Registrar, Pattukottai.

3.The petitioner is not even transferred to any other place. He was working as Sub Registrar (in-charge) and is posted as Assistant in his category in the office to perform the duty, based on the fact that he is due to retire from service on 30.06.2022.

4.The order impugned is noway affecting the service conditions of the petitioner or the rights of the petitioner, regarding his service benefits to be paid. However, the petitioner has chosen to file the writ petition on certain other considerations, it seems. The petitioner, who was holding the post of Sub-Registrar (in-charge), is willing to continue in the said post.

5.Post or place can never be claimed as a matter of choice by the public servant. The public servants are expected to work wherever they are posted in the interest of public. When a person is claiming a particular post in a particular manner, then, an inference is to be drawn that he is claiming said position on certain extraneous consideration. Already the Registration Department is filled with corrupt action.

6.Under these circumstances, considering the fact that the petitioner is due to retire shortly, he is asked to work as an Assistant in the office. These factors place pivotal role and further, the petitioner has not established even semblance of legal right.

7.Encouraging such writ petition would send a wrong message to the public servants. The public servants are expected to maintain integrity and devotion to duty. While so, such writ petitions are filed based on certain personal considerations, which can never be encouraged by the Courts.

8.The learned Additional Government Pleader appearing for the respondents made a submission that the petitioner is working as Sub-Registrar (in-charge) for several years and now, in the eve of retirement, he filed a writ petition seeking permission to work in the same place as Sub-Registrar (in-charge).

9.Such a claim raises a doubt in the mind of the Court. Therefore, the authorities competent are bound to look into the service records and the asset details of the petitioner and his family members and other particulars of the petitioner and find out the correctness or otherwise in accordance with the service rules in force. Such an exercise is directed to be done by the first respondent within a period of four weeks from the date of receipt of



10. In these circumstances, this Court is not inclined to entertain the writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

sm
To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600028.

2. The District Registrar (Administration),
Additional Incharge,
Pattukkottai,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-5985[F] dated 14/02/2022)

+1 CC to M/s.A.C.ASAITHAMBI, Advocate (SR-6258[F] dated 15/02/2022)

Order made in
W.P. (MD) No.2869 of 2022
11.02.2022

PKP/25.02.2022/3P/5C