

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9136 of 2020
and
W.M.P.(MD)No.8357 of 2020

A.Balaiah

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes & Registration (E1) Department,
Secretariat, Chennai – 9.

2.The Principal Accountant General (A & E),
No.36, Annasalai, Teynampat,
Chennai – 08.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in G.O.(2D) No.82 Commercial Taxes and Registration (E1) Department dated 18.11.2019 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R1.
Ms.S.Mahalaishmi for R2.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the Commercial Taxes and Registration Department as Typist. He retired as Assistant Commissioner, Commercial Taxes. Charge memo was issued alleging that due to his negligence in the discharge of his official duties, revenue loss was caused to the Government to the tune of Rs.4,11,000/-. The petitioner was found guilty in the enquiry and show cause notice was issued. It was proposed to levy the punishment cut in pension at the rate of Rs.100/- per month for a period of one year and also to deduct a sum of Rs.500/- from the Death-cum-Retirement Gratuity benefits of the delinquent. The writ petitioner had consented for levy of such a punishment. Thereafter, the impugned government order came to be issued. Challenging the same, this writ petition came to be filed.

3.It is well settled that when a consequence flows out of a person's consent, it cannot be put to challenge. In that view of the matter, the impugned government order is sustained. The right of the writ petitioner to seek interest for the belated payment of Death-cum-Retirement Gratuity benefit is left open

4.With this liberty to the writ petitioner, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

09.09.2022

Index : Yes / No
Internet : Yes/ No
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To:-

The Principal Secretary,
Commercial Taxes & Registration (E1) Department,
Secretariat, Chennai – 9.

G.R.SWAMINATHAN, J.

ias

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