



WP(MD)No.3259 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

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

W.P.(MD)No.3259 of 2019
and
W.M.P(MD) No.2554 of 2019

P.Chelliah

... Petitioner

/vs./

- 1.The State of Tamil Nadu represent by it's Secretary to Government,
Department of Commercial Taxes,
Fort St.George, Beach Road,
Chennai-600 009.
- 2.The Commissioner of Commercial Taxes,
2nd Floor, Elilagam, Chepauk,
Chennai-600 005.
- 3.M.S.Pon Mala
Enquiry Officer,
The Joint Commissioner, (S.T)
Trichy.
- 4.The Joint Commissioner (S.T),
Thirunelveli Division, Thirunelveli.
- 5.The Deputy Commissioner (C.T),
C.T.Building, Madurai Road,
Viruthu Nagar.



WP(MD)No.3259 of 2019

6.The Assistant Commissioner-III,
C.T.Building, Madurai Road,
Viruthunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified Mandamus, to call for the records relating to the communication in Roc.A4/3015/2017 dated 23.01.2019 issued by the fifth respondent enclosing the proceedings of the second respondent dated 04.01.2019 in Endt.CD1/36939/2012, enclosing the Enquiry Report dated 06.03.2018 enclosed by the first respondent notice issued in Letter No.10181/E1/2018-2 dated 17.12.2018 received by the petitioner on 24.01.2019 and quash the same and to respondents to permit the petitioner to retire from the service on 30.04.2015 duly giving all the retirement terminal benefit.

For Petitioner : Mr.M.Mohanasundaram

For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

The petitioner herein challenges the report of the Enquiry Officer, pursuant to the enquiry conducted in connection with the charge memo, dated 15.04.2015.



WP(MD)No.3259 of 2019

WEB COPY

The petitioner herein, who had submitted his explanation to the enquiry and participated therein, will not be entitled to challenge the enquiry report, since the option available to him would be to raise his objections, by way of submitting his further explanation to the report.

2. The learned Government Advocate, on instructions, submitted that after the impugned enquiry report was made, the respondents have directed the petitioner to submit his further explanation through proceedings dated 25.04.2022 and the petitioner has also submitted his further representation on 07.05.2022, which is under consideration by the Government. In this background, if the Disciplinary Authority is directed to consider the explanation and complete the proceedings within a time frame, the ends of justice could be secured.

3. Accordingly, there shall be a direction to the second respondent herein to conclude the Disciplinary Proceedings initiated pursuant to the charge memo, dated 15.04.2015 and pass final orders, after duly considering the petitioner's further representation, dated 07.05.2022, within a period of eight weeks from the date of receipt of a copy of this order.



WP(MD)No.3259 of 2019

WEB COPY

4. This Writ Petition stands ordered, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2022

Index : Yes / No
Internet : Yes / No
cp/tm

To:

- 1.The Secretary to Government,
Department of Commercial Taxes,
Fort St.George, Beach Road,
Chennai-600 009.
- 2.The Commissioner of Commercial Taxes,
2nd Floor, Elilagam, Chepauk, Chennai-600 005.
- 3.M.S.Pon Mala
Enquiry Officer,
The Joint Commissioner, (S.T)
Trichy.
- 4.The Joint Commissioner (S.T),
Thirunelveli Division, Thirunelveli.
- 5.The Deputy Commissioner (C.T),
C.T.Building, Madurai Road,
Viruthu Nagar.

4/6



WEB COPY



WP(MD)No.3259 of 2019

6.The Assistant Commissioner-III,
C.T.Building, Madurai Road,
Viruthunagar.



WEB COPY



WP(MD)No.3259 of 2019

M.S.RAMESH, J.

cp

Order made in
W.P.(MD) No.3259 of 2019

02.08.2022