



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P.(MD) No.18688 of 2019
and
W.M.P.(MD) No.15064 of 2019

G.Mahalakshmi

... Petitioner

-vs-

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The Deputy Inspector General of Registration,
Registration Department,
Thiruchirappalli.

3.The District Registrar,
Pudukkottai District, Pudukkottai.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order of suspension dated 30.07.2019 in Proc.No.2228/A/2019 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to reinstate the petitioner with all benefits.

For Petitioner : Mr.T.SELVAN, Advocate

For Respondents : Mr.S.SHANMUGAVEL,
Additional Government Pleader

O R D E R

The order of suspension dated 30.07.2019 issued by the Deputy Inspector General of Registration, Registration Department, Thiruchirappalli. is under challenge in the present writ petition.

2.The case of the petitioner is that she joined in the Registration Department as Junior Assistant on 22.06.1986. She was promoted as Sub-Registrar in the year 2008. On account of an initiation of departmental disciplinary proceedings, the petitioner was placed under suspension.



3.Learned counsel appearing for the petitioner made a submission that the charges against the petitioner are not grievous in nature and therefore, the impugned order of suspension is to be set aside. A Charge Memo has already been issued in proceeding dated 26.07.2019.

4.In spite of the fact that the Charge Memo has been issued on 26.07.2019, the departmental disciplinary proceedings are not completed till today. The authorities, on initiation of departmental disciplinary proceedings, must ensure that the said proceedings are concluded within a reasonable period of time. In the event of not completing the departmental disciplinary proceedings within a reasonable period of time, the Disciplinary Authority is committing a lapse, which is also not in consonance with the rules in force. Every public servant is expected to perform his/her duty deliberately and vigilantly. No doubt, due to heavy work, there may be some delay in completion of such disciplinary proceedings. However, it must be ensured that such disciplinary proceedings initiated is completed within a reasonable period of time.

5.In the present case, the petitioner is continuing suspension for 2½ years. When a person is under suspension, the Disciplinary Authority should be vigilant enough to consider or to review the order of suspension during the pendency of the disciplinary proceedings. Contrarily, they cannot keep the files pending for an indefinite period which should be construed as lapse on the part of the higher officials.

6.A Charge Memo has already been issued. Thus, the petitioner has to give her explanation/defence and the Disciplinary Authority has to conduct an enquiry by appointing an Enquiry Officer and complete the enquiry. The petitioner has to cooperate for the disposal of the enquiry. In the event of any non-cooperation on the part of the petitioner, the same shall be recorded in the proceedings itself.

7.These being the factum, the respondents are directed to proceed with the departmental disciplinary proceedings and conclude the same by following the procedures as contemplated within a period of six months from the date of receipt of a copy of this order. The petitioner is directed to cooperate for the completion of the enquiry and in the event of non-cooperation, the said factum is to be recorded in the proceedings. In such circumstances, if the enquiry is unable to be completed within a period of six months, then the time limit stipulated by this Court cannot be taken undue advantage by the petitioner for filing another writ petitioner for quashing the Charge Memo.



8.With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.S.I)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Inspector General of Registration,
Registration Department, Chennai.
 - 2.The Deputy Inspector General of Registration,
Registration Department, Thiruchirappalli.
 - 3.The District Registrar,
Pudukkottai District, Pudukkottai.
- +1 cc to M/S.T.SELVAM, Advocate, SR.No.5391
- +1CC to Special Government Pleader SR.No.5045

W.P. (MD) No.18688 of 2019

and

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