



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.11120 of 2014

and

M.P. (MD)Nos.1 & 2 of 2014

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B.Suseel Kumar

... Petitioner

VS

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Commercial Taxes Department,
Fort. St.George, Secretariat,
Chennai - 600 009.

2. The Principal Secretary/Commissioner of
Commercial Taxes,
Ezhilagam,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the proceedings of the second respondent in Letter No.Lr.ref.CD2/14046/2014, dated 06.05.2014 and direct the first respondent to include the petitioner's name for promotion.

For Petitioner : M/S.AL.Ganthimathi
For Respondents : M/S.D.Farjana Ghoushia
Special Government Pleader

O R D E R

This Writ Petition is filed challenging the show cause notice, dated 06.05.2014.

2. The contention of the petitioner is even the Preliminary Enquiry Report, dated 20.05.2014 states an under:

"Thus in the absence of any evidence of use of un-parliamentary words by Thiru B.Susheel Kumar on the petitioner and the bill date is not nearby related to the date of happening of the incident and the petitioner himself not wanted for separate enquiry of his DCTO (Tmt.Jamunabai), there is no conclusive proof to arrive at the conclusion on the allegation made in the petition dated 09/10/2013. However, the presence of Thiru B.Susheel Kumar now working as Deputy Commissioner (CT), Administration of Thirunelveli



Division on the working day 9Friday) at Chennai is not ruled out and the only important point that has to be verified whether the said individual has left his headquarters during the week day after getting prior permission from his Divisional Joint Commissioner (CT), Tirunelveli."

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3. The show cause notice was issued initiating disciplinary proceedings under Section 17 (a). Therefore, this Court is of the considered opinion that show cause notice cannot be challenged. The petitioner is directed to submit an explanation within two weeks from the date of receipt of a copy of this order. Thereafter, the respondents are directed to complete the enquiry proceedings within eight weeks.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Commercial Taxes Department,
Fort. St.George, Secretariat,
Chennai - 600 009.

2. The Principal Secretary/Commissioner of
Commercial Taxes,
Ezhilagam, Chennai - 600 005.

+1 CC to M/s.SPL GP (SR-8765[F] dated 25/02/2022)

W.P. (MD)No.11120 of 2014

24.02.2022