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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.25541 of 2019
and
WMP(MD)No.22095 of 2019

P.Ponnum Perumal ... Petitioner

Vs.

1.The State of Tamilnadu,
Rep.by its Secretary,
Department of Commercial Taxes and Registration (H),
Fort St.George,
Chennai - 600 009.

2.The Inspector General of Registration,
Santhome,
Chennai - 600 028. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge memo issued by the 2nd respondent Inspector General of Registration vide proceedings in Memo.No.36640/V3/2019, dated 23.09.2019, quash the same, and further direct the respondents herein to permit the petitioner to retir from the service on superannuation on 31.08.2019 and to release the pension and other terminal benefits from 31.08.2019.

For Petitioner : Mr.T.Cibi Chakraborthy

For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The Charge Memo, dated 23.09.2019, issued by the 2nd respondent is under challenge in the present Writ Petition.

2. The writ petitioner was working as District Registrar and not allowed to retire from service on attaining the age of superannuation on 31.08.2019. The petitioner was placed under suspension on account of the initiation of disciplinary proceedings. The charges against the petitioner are related to stamp duty under

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Indian Stamp Act.

3. The learned counsel for the petitioner made a submission that the Principal Accountant General issued a proceedings dated 28.12.2020 with reference to the audit objections initially raised culminated into the impugned charge memo. Therefore, the petitioner may be permitted to submit his explanation along with the proceedings of the Principal Accountant General enabling the Authority to conclude the proceedings.

4. This Court is of the considered opinion that the Charge Memo has been issued on 23.09.2019 and pursuant to the interim orders granted by this Court, the Authorities have not proceeded with the enquiry. Now, there are certain improvements as per the petitioner and the petitioner also restricted the relief as such sought for in the present writ petition. The learned counsel for the petitioner made a submission that it would be suffice if the authorities are permitted to conclude the proceedings.

5. In view of the submission made on behalf of the petitioner, the respondents are directed to proceed with the charge memo and the petitioner is also directed to co-operate with the same. It is needless to state that the explanation submitted by the writ petitioner along with the proceedings of the Accountant General is also to be considered while deciding the case. The respondents are directed to dispose of the disciplinary proceedings as expeditiously as possible, in view of the fact that the petitioner has already reached the age of superannuation.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary,
The State of Tamilnadu,
Department of Commercial Taxes and Registration (H),
Fort St.George,
Chennai - 600 009.

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2.The Inspector General of Registration,
Santhome,
Chennai - 600 028.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-5511[F] dated 11/02/2022)

+1 CC to M/s.SPL.GP (SR-5716[F] dated 11/02/2022)

W.P.(MD)No.25541 of 2019
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TP(CO)
TR(25.02.2022) 3P 5C

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