



W.P.No.13504 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13504 of 2013

N.Chinnasamy

...Petitioner

-Vs-

1. The Secretary to Government
Commercial Taxes and
Registration Department,
Fort St. George,
Chennai – 600 009.

2. The Inspector General of Registration,
Kamarajar Salai,
Chennai – 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to the G.O.(D) No.83, commercial Taxes and Registration Department dated 13.02.2013 and to quash the same and consequently direct the second respondent to give promotion to the petitioner as Sub Registrar as per the panel of the year 2010-2011 and pay all the back wages and consequential benefits and grant such other relief or reliefs.



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For Petitioners : S.Baskaran

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent in G.O.(D).No.83, commercial Taxes and Registration Department dated 13.02.2013, thereby modifying the punishment as stoppage of increment for the period of six months with cumulative effect.

2. The petitioner is working in the registration department for more than 25 years in various place. While being so, on 11.09.2008, while he was working as Assistant in Karimangalam Sub Registrar Office, Dharmapuri, the Vigilance and Anti-corruption Department conducted a surprise inspection and the petitioner had Rs.460/- which tallied with the search fee as per 'D' Register. Therefore, it was not found fault and no adverse report was sent against him.



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3. Thereafter, by the memo dated 07.05.2010, the second respondent issued a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, alleging that when the petitioner was working as Sub Registrar, Karimangalam Sub Registrar Office on 11.09.2008, he allowed the document writers inside the office. On receipt of the said charge memo, he submitted his explanation that at that time he was working as an Assistant and not as a Sub Registrar.

4. Thereafter, enquiry was conducted and after enquiry, the enquiry officer found that both the charges were not proved. However, the disciplinary authority differs with the enquiry officer's findings and issued show cause notice to the petitioner. On receipt of the same, the petitioner submitted his explanation. However, the disciplinary authority found that both the charges were proved and imposed punishment of stoppage of increment for one year without cumulative effect. Aggrieved by the same, the petitioner filed an appeal before the first respondent. In the appeal, the first respondent reduced punishment of stoppage of increment without cumulative effect from one year to six months. Aggrieved by the same, the petitioner filed this present writ petition.



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WEB COPY 5. Heard the learned counsel appearing on either side and perused the material on record.

6. It is seen that now the order has been implemented and the petitioner also attained the age of superannuation. However, because of the pending charges, the petitioner was not added in the panel for the post of Sub Registrar in the year 2010-11. The stoppage of increment without cumulative effect for the period of six months could not be an impediment for the petitioner's promotion in the year 2010-11. Therefore, the petitioner is entitled for the promotion to the post of Sub Registrar. Since the petitioner attained the age of superannuation, he is entitled for notional promotion and all consequential benefits.

7. Accordingly, the second respondent is directed to effect notional promotion to the petitioner from the year 2010-11 to the post of Sub Registrar and disburse all the monetary benefits within a period of twelve weeks from the date of receipt of a copy of this Order.



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8. With the above direction, the Writ Petition stands disposed

of. There shall be no order as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

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Registration Department,
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G.K.ILANTHIRAIYAN. J.

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