IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.15371 of 2013
and
WMP Nos.22741 to 22744 of 2016

A.P.Raju ... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai – 600 009.

2. The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records on the file of the first respondent herein G.O.(2D) No.137, Commercial Taxes and Registration (H) Department, dated 29.08.2011 and the order of the first respondent in proceedings i G.O.(2D) No.138, Commercial Taxes and Registration (H) Department, dated 30.08.2011, the proceedings of the second respondent herein in charge No.38351/VI/2011-2, dated 17.08.2011 and quash the same and to direct the respondents herein to permit the petitioner to retire from service on

31.08.2011 A.N and to grant him all consequential retirement and pensionary benefits with interest on the delayed payment.

For Petitioner	:	Mr.M.Ravi
For Respondents	:	Mr.M.P.Murugan Raja Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent herein G.O.(2D) No.137, Commercial Taxes and Registration (H) Department, dated 29.08.2011 and the order of the first respondent in proceedings G.O.(2D) No.138, Commercial Taxes and Registration (H) Department, dated 30.08.2011, the proceedings of the second respondent herein in charge No.38351/VI/2011-2, dated 17.08.2011 and quash the same and to direct the respondents herein to permit the petitioner to retire from service on 31.08.2011 A.N and to grant him all consequential retirement and pensionary benefits with interest on the delayed payment.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

3. The petitioner was appointed as Sub-Registrar in the

Registration Department on 06.03.1980. Subsequently, he was promoted to the post of District Registrar in the year 1994. Thereafter, he was promoted to the post of Assistant Inspector General of Registration in the year 2009. Finally, he was promoted to the post of Deputy Inspector General of Registration on 03.06.2011. He was about to retire from his service on 31.08.2011, on the fake end of his service, he was served with three sets of charge memos and he was directed to submit his explanation. On submission of his explanation, without satisfaction with the explanation submitted by the petitioner, ordered for enquiry. In the enquiry, the Enquiry Officer concluded all the three sets of charges were not proved and finally he was exonerated from all the three sets of charges.

4. While pending charges, he was suspended from service on 29.08.2011 and by an order dated 30.08.2011, he was not permitted to retire from his service and the following charge memos were issued to the petitioner :

(i) Inspector General of Registration's Charge Memo No.38351/VI/2011-1, dated 17.08.2011.

(ii) Inspector General of Registration's Charge Memo

No.38351/VI/2011-2, dated 17.08.2011.

(iii) Inspector General of Registration's Charge Memo No.40853/V3/2011, dated 27.08.2011.

5. In the first set of charge memo No.38351/V1/2011-1, dated 17.08.2011, the petitioner was exonerated by G.O.(D) No.499, dated 22.12.2014. In the second set of charge memo No.38351/V1/2011-2, dated 17.08.2011, the petitioner was enquired and he was exonerated by G.O (D) No.348, dated 11.09.2017. Insofar as the third set of charges under charge memo No.40853/V3/2011, dated 27.08.2011, after conducting enquiry, the first respondent passed final order, thereby exonerated the petitioner from the third set of charges by an order dated 09.04.2018 in G.O.(D) No.64.

6. In pursuant to the final order passed in all three sets of charges, the petitioner has been exonerated from all the three sets of charges and he is entitled to retire from his service. Accordingly, the petitioner is permitted to retire from service, from the date of attainment of his superannuation viz., 31.08.2011 and he is entitled for all consequential retirement and pensionary benefits with interest applicable

in accordance with law. The respondents are directed to disburse all the consequential retirement benefits and the pensionary benefits with interest applicable in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. It is also seen that in respect of the third set of charge, the petitioner was exonerated by an order dated 09.04.2018 in G.O.(D) No.64. Even then the respondents did not take any steps to allow the petitioner to retire from his service and failed to disburse any consequential retirement benefits and pensionary benefits. Therefore, the petitioner is entitled for interest at the rate of 9% p.a. for all the benefits from 09.04.2018.

8. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

31.07.2023

Lpp
Index:Yes/No
Internet:Yes/No

G.K.ILANTHIRAIYAN,J.

Lpp

To

1. The Secretary to Government,
State of Tamil Nadu,
Commercial Taxes & Registration Department,
Secretariat, Chennai – 600 009.

2. The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

W.P. No.15371 of 2013
and
WMP Nos.22741 to 22744 of 2016

31.07.2023