IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2194 of 2023
and W.M.P No.2271 of 2023

K.Chindhanai Selvam ... Petitioner

vs.

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

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in its G.O.(2D) No.54 dated 30.12.2014 and quash the same and consequently direct the respondents to permit the petitioner to retire with effect from 31.12.2014 by refraining the respondent from proceeding further against the Petitioner in connection with the charge memo dated 10.11.2014 of the 2nd respondent.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.D.Ravichander
Special Government Pleader

O R D E R

This writ petition has been filed challenging the G.O.(2D).No.54, dated 30.12.2014 issued by the 1st respondent and for a consequential direction to the respondents to permit the petitioner to retire w.e.f. 31.12.2014.

2.Heard Mr.V.Vijayashankar, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.

3.The petitioner had already filed W.P.(MD)No.19913 of 2014 challenging the impugned Charge Memo dated 10.11.2014. The writ petition was taken up for final hearing by this Court and the following order was passed:

3.A perusal of the allegations reveals that the allegations are serious in nature. However, the learned counsel appearing for the petitioner urged this Court that this writ petition was *performing the quasi judicial function and he cannot liable for any such allegations raised while exercising the power of quasi judicial authorities, if any lapse occurs, then, no charges can be framed by such authority.*

4.This Court is of the considered opinion that absolutely there is no exemption for the quasi judicial authority. Every authority including quasi judicial authority are expected to exercise their power in the manner prescribed and in accordance with law. Any violations are exercised is ascertained only by conducting enquiry, merely because, authority is a quasi judicial authority exemption from departmental disciplinary proceedings cannot be granted. All such facts and circumstances, ought to be adjudicated in an enquiry proceedings and high Court cannot appreciate the case in the defence taken by the petitioner in the present writ petition. Appreciation of facts and circumstances are impermissible in the writ petition and in view of the fact that the enquiry is required in such circumstances, with reference to the allegations set out in the charge memo.

5.Contrarily, the writ petition cannot be entertained against the charge memo in a routine manner and it can be entertained only an exceptional circumstances, wherein, the charge memo is issued by the incompetent authority or charges are incapable being proceeded with. In all other *cases, the delinquent officials are at liberty to defend their cases in order to establish their innocence or otherwise. Contrarily, the charge memo cannot be quashed merely on the ground that the writ petitioner had exercised the powers of quasi judicial authority.*

6.In the present case, no doubt, the allegations are serious. However, the petitioner is entitled for an opportunity to defend his case. Thus, the petitioner is at liberty to submit his explanation and to establish his innocence or otherwise. The respondents are also directed to proceed with enquiry and complete the departmental disciplinary proceedings as expeditiously as possible. In view of the fact that the long pendency of the writ petition would cause prejudice to the petitioner, the respondents are directed to proceed with the departmental disciplinary proceedings at earliest by following the procedure by providing an opportunity to the writ petitioner.

4.The grievance of the petitioner is that in spite of a specific direction given by this Court to complete the proceedings and pass final orders, as expeditiously as possible, there has been absolutely no progress for more than two years and hence, the present writ petition has been filed before this Court.

5.In the considered view of this Court, in view of the earlier order passed by this Court, this Court is not inclined to interfere with G.O.(2D) No.54, dated 30.12.2014. However, at some stage, the disciplinary proceedings against the petitioner must come to an end. In view of the same, this writ petition is disposed of with a direction to the respondents to complete the disciplinary proceedings and to pass final orders, within a period of three months from the date of receipt of copy of this order. It is made clear that the petitioner will co-operate for the completion of the proceedings, within the time limit fixed by this Court without adopting any dilatory tactics. If the final order is not passed within three months as fixed by this Court, the entire disciplinary proceedings against the petitioner will stand lapsed and thereafter, the petitioner will be entitled for all the consequential benefits.

6.This writ petition is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

27.01.2023
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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

N. ANAND VENKATESH, J.

ssr

To

1.The Secretary to Government,
Commercial Taxes and Registration Department,
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2.The Inspector General of Registration,
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