IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.24836 of 2013
and W.M.P.No.29367 of 2022

Namachivayam ... Petitioner

Vs.

1. The Secretary to the Government,
   Commercial Tax ad Registration Department,
   Secretariat, Chennai 600 009

2. Inspector General of Registration,
   Santhome High Road,
   Mylapore, Chennai 4. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining the impugned G.O.(D) No.241, Commercial Tax and Registration (K) Department dated 17.05.2013 and quash the same and to direct the respondents to extend all the benefits due to the petitioner under the regular service notwithstanding the charges levelled against the petitioner.

For Petitioner	:	Mr.G.Gopalakrishnan
For Respondents	:	Mr.U.M.Ravichander Special Government Pleader

O R D E R

The writ petition is filed seeking to quash the impugned G.O.(D) No.241, Commercial Tax and Registration (K) Department dated 17.05.2013 and for a consequential direction to the respondents to extend all the benefits due to the petitioner under the regular service notwithstanding the charges levelled against the petitioner.

2. It is averred in the writ petition that while the petitioner was working as Assistant in the Sub Registrar Office, Rishivanthiyam, for his act of not attaining prior permission for the purchase of an immovable property worth Rs.11,000/-, charge under section 17(a) of the Tamil nadu Government Service Rules 1973, was framed against the petitioner.

3. Pursuant to the same, disciplinary proceedings were initiated and concluded by imposing stoppage of increment for 30 months period. Aggrieved against the same, the petitioner filed an appeal before the first respondent and

thereafter, the first respondent modified the above punishment period from 30 months to that of 12 months without any cumulative effect vide impugned G.O.(D) No.241, Commercial Tax and Registration (K) Department dated 17.05.2013. Challenging the said order, the present writ petition has been filed.

4. According to the learned counsel for the petitioner, prior permission for the purchase of assets need to be sought for only in cases of acquiring of assets with a value more than Rs.20,000/-, whereas the petitioner's purchase is only Rs.11,000/- Moreover, in cases of similar nature, the respondents warned pardoned the delinquent in those cases. Only in the case of petitioner, such kind of leniency has been deprived by the respondents. He also added that the amount involved with regard to the purchase and sale of the property in those cases runs upto several lakhs of rupees, whereas the amount involved in the purchase of property of the petitioner, is only Rs.11,000/-

5. Due to the pending charges against the petitioner, the petitioner was sidelined in the seniority list which was prepared during two occasions in the

years 2010 and 2012. The learned counsel for the petitioner submits that the petitioner has made a representation dated 22.02.2021 during the pendency of this writ petition and submitted that he restricts his prayer to direct the respondents to consider the said representation dated 22.02.2021 preferred by the petitioner and for passing appropriate orders.

6. The learned Special Government Pleader appearing on behalf of the respondents would submit that eight weeks time may be given to the respondents to consider the representation of the petitioner and to pass necessary orders.

7. Heard both sides and perused the records carefully.

8. Even though the prayer is for larger relief, since the writ petitioner has filed a representation dated 22.02.2021 during the pendency of this writ petition and prayed that it is suffice to direct the respondents to dispose of the said representation, this court directs the respondents to consider the petitioner's

representation dated 22.02.2021 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

sts

To:

1. The Secretary to the Government,
   Commercial Tax ad Registration Department,
   Secretariat, Chennai 600 009

2. The Inspector General of Registration,
   Santhome High Road,
   Mylapore, Chennai 4.

J.NISHA BANU, J.,

sts

Order made in
W.P.No.24836 of 2013

Dated:
23.03.2023