IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1098 of 2024 and W.M.P.No.1153 of 2024

G.Chandrasekaran ...Petitioner

-Vs-

1. The Secretary to Government,
Commercial Taxes (H1) Department,
Fort St., George,
Secretariat,
Chennai-600 009.

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

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to pass final orders in the said departmental proceedings in pursuant to the Charge memo dated 16.09.2002, 06.05.2003, 25.07.2003 and 28.07.2004 and culminating in W.P.No.35451 of 2005 and to pass final orders in the above disciplinary proceedings.

For petitioner : Mr.M.Aravind Subramanian,

Senior Counsel for
M/s.Dheepakshi

For respondent 1 : Mrs.K.Vasanthamala,
Government Advocate

For respondent 2 : Mrs.R.Neethiperumal

ORDER

This writ petition has been filed for direction directing the 1st respondent to pass final orders in the departmental proceedings in pursuant to the charge memo.

2. The petitioner had served as District Registrar (Administration) at Chengalpattu Registrar Office. While he was in service, he was suspended on 17.02.2003. In pursuant to the order of suspension, the 2nd respondent initiated disciplinary action as against the petitioner for issuance of six charge memos under Rule 17(b) of the Tamilnadu Civil Services (D&A) Rules, from the year 2002 to 2004. Insofar as three charge memos are concerned, final orders were passed. Insofar as four charge memos are concerned, already enquiry were conducted and enquiry officer yet to submit his enquiry report. Therefore, the Government has not passed any final order. All the charge memos as against the petitioner are extracted hereunder:

S.No.	Issue Date	Charge Memo	Charges	Result
1.	16.09.2002	No.33870/B7/2002	U/s.41 of the	Inquiry over and

S.No.	Issue Date	Charge Memo	Charges	Result
		(Not communicated to the petitioner)	Indian Stamp Act resulting a loss of Rs.31,486/-	the report has been sent to the Government on 10.05.2006.
2.	06.05.2003	No.9227/B1/2001	Demanding bribe of Rs.1500/- Rs.200/- Rs.1500/- for the document No.3739/2000 and 722/2000. The Document have been devalued.	The Charges were dropped by the Government vide G.O.(D).No.145 dated 25.09.2006 and yet disciplinary proceedings.
3.	25.07.2003	No.35472/B4/2003	During the post of District Registrar (Audit), failed to point out the loss of revenue of Rs.2,10,20,363/-	The inquiry over and the report has been sent to the Government on 23.11.2005.
4.	28.07.2003	No.29735/B2/2009	A loss of Revenue of Rs.80,443/- was pointed out in Doc.No.1611/1997.	The Inquiry over and the report has been sent to the Government on 21.10.2004.
5.	20.05.2003	No.4732/B7/2003	Revenue loss of Rs.10,872/- by registering deficit land value in Doc.No.4/2001	The charges were dropped by the Government and Final orders were passed vide G.O.(D).No.222

S.No.	Issue Date	Charge Memo	Charges	Result
			and Doc.No.05/2007	dated 07.05.2009.
6.	28.07.2004	No.37220/B2/2004	Based on the complaint for calculating the building value during the building Inspection.	The charges were dropped by the Government and Final orders were passed vide G.O.(D).No.298 dated 15.06.2009.
7.	11.04.2006	No.10970/B2/2006	Revenue loss of Rs.18,406/- to the Government, while calculating the Building value on Building Inspection	The charges were dropped by the Government and Final orders were passed Vide G.O.(D).No.226 dated 09.8.2011.

3. In fact, already the petitioner filed writ petition for direction directing the 1st respondent to pass final orders on the disciplinary proceedings which were initiated as against the petitioner by the charge memo dated 16.09.2002, 25.07.2003 & 28.07.2003 by the 2nd respondent. This Court in W.P.No.35451 of 2005 passed an order dated 08.11.2005 directing the first respondent to pass final orders within a period of ten weeks from the date of receipt of copy of the order. However, so far the first respondent did not pass any final order. In fact, enquiry officer failed

to file enquiry report for the above said chrage memo.

4. The learned counsel for the Respondent submitted that in pursuant to the criminal case registered against the petitioner by the Vigilance and Anti-Corruption Department, one case ended in acquittal and another case is pending in the argument stage. Therefore, the first respondent could not able to pass final order. The petitioner is already facing criminal case. Therefore, in the case of the petitioner, nothing to do with the disciplinary proceedings, since already enquiry officer completed enquiry and filed enquiry report.

5. In pursuant to the charge memo dated 06.05.2003 and 28.07.2003, the first respondent is directed to pass final orders in the above said proceedings within a period of twelve weeks from the date of receipt of copy of this order. All the charge memos issued against the petitioner are deemed to be dropped. The pendency of the criminal case is not an impediment to the 1st respondent to pass final orders. Thereafter, the respondents are directed to allow the petitioner to retire from service with all terminal benefits.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

20.02.2024

Index : Yes/No
Internet: Yes/No
gvn

To

1. The Secretary to Government,
   Commercial Taxes (H1) Department,
   Fort St., George,
   Secretariat,
   Chennai-600 009.

2. The Inspector General of Registration,
   100, Santhome High Road,
   Raja Annamalaipuram
   Chennai-600 028.

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.1098 of 2024

20.02.2024