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W.P. No.23154 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2024

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

**W.P. No.23154 of 2012
and M.P. Nos.1 and 2 of 2012**

V. Ramesh

... Petitioner

-VS-

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St. George, Rajaji Salai,
Chennai - 600009.

2. The Inspector General of Registration,
No.120, Santhome High Road,
Chennai – 600028.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of CERTIORARIFIED MANDAMUS, to call for the records in Order No.66327/V3/2009, dated 04.01.2010 passed by the 2nd Respondent; Order No.66327/V3/2009, dated 10.03.2010 passed by the 2nd Respondent; G.O.(D) No.405, Commercial Taxes & Registration (H) Department, dated 29.12.2011 passed by the 1st Respondent and quash the same and consequently direct the Respondents to consider the Petitioner's name for promotion to the post of Assistant Inspector General of Registration and promote the Petitioner as such with all service and



monetary benefits.

For Petitioner : M/s. D. Prasanna Kumar
For RR 1 to 4 : M/s. C. Sangamithirai
(Special Government Pleader)

ORDER

1). The Order No.66327/V3/2009 dated 04.01.2010 passed by the 2nd Respondent, 2). Order No.66327/V3/2009 dated 10.03.2010 passed by the 2nd Respondent and 3). G.O.(D) No.405, Commercial Taxes & Registration (H) Department, dated 29.12.2011 passed by the 1st Respondent are under challenge.

2. The petitioner entered into Government service on 10.06.1976 as Junior Assistant in the Tamil Nadu Registration Service in the Office of Sub-Registrar, Melur, Madurai. He was promoted on 01.06.1979 as Assistant and on 16.10.1992. He was promoted as Grade II Sub-Registrar (Guidelines) was posted in the Office of District Registrar, Thuthookudi. He was promoted as Grade I Sub-Registrar on 14.01.1999 and was posted at



Kazhugumalai. Then, he was promoted as District Registrar and was posted as Joint II Sub-Registrar, Madurai South, in the cadre of District Registrar vide G.O.(D)No.402, Commercial Taxes & Registration Department (H1) Department, dated 31.08.2009. On 09.07.2010, he was transferred and posted as District Registrar (Audit), Palayamkottai.

3. The petitioner further submits that while he was discharging duties as Joint II Sub-Registrar, Madurai South, he was issued with a Show Cause Notice bearing Order No.66327/V3/2009, dated 04.01.2010 by the 2nd Respondent under Rule 17(a) of Tamil Nadu Civil Services (Discipline & Appeal) Rules, raising allegation that he did not join duty as Joint II Sub-Registrar, Madurai South, on his promotion, by taking medical leave by not joining duty even after recommendation of the Medical Board to join duty on 03.11.2009, by joining duty on 11.12.2009 and thereby violated Rule 20(1) of Tamil Nadu Government Servants Conduct Rules. He would further submit that the Order of punishment withholding of increment for six months without cumulative effect was passed on 10.03.2010 and the same was implemented on 01.04.2011 and completed by 30.09.2011, pending his review before the 1st Respondent.



4. Heard Mr. D. Prasanna Kumar, representing counsel for the petitioner and Mrs. C. Sangamithirai, Special Government Pleader appearing for the respondents.

5. Mrs. C. Sangamithirai, Special Government Pleader appearing for the respondents would state that since the punishment of stoppage of increment for six months was passed and implemented, while the petitioner was holding the post of District Registrar and his name has not been included in the panel drawn for the post of Assistant Inspector General of Registration, since the punishment was in currency on the crucial date.

6. It appears that when the petitioner was promoted to the post of District Registrar by an Order dated 31.08.2009, he did not join the said post and availed medical leave. His medical leave application was referred to the Medical Board and the Medical Board also issued a fitness certificate on 03.11.2009. However, he did not join the duty even after recommendation of the Medical Board and he joined the duty only on 11.12.2009 and thereby violated Rule 20(1) of Tamil Nadu Government Servants Conduct Rules.



Therefore, an order of punishment withholding of increment for six months without cumulative effect was passed on 10.03.2010 and the same was implemented on 01.04.2011 and completed by 30.09.2011, pending his review before the 1st Respondent.

7. Though the petitioner has cited personal reasons, the time taken by him by way of availing medical leave for a period of more than three months, that too despite the issuance of fitness certificate by the Medical Board on 03.11.2009 shows his callous attitude towards his responsibility. So, this Court is of the considered opinion that the punishment imposed by the Appointing Authority is not disproportionate to the charge leveled against the petitioner.

8. The next contention of the petitioner is that the punishment imposed as mentioned supra was implemented only on 01.04.2011 and he was not considered for the promotion to the post of Assistant Inspector General of Registration. The affidavit is bereft of the particulars as to what date the promotional panel to the post of Assistant Inspector General of



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Registration was drawn. This Court is of the considered view that the affidavit lacks merits.

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9. Based on the above said observations, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions, if any stand dismissed.

26-06-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
stn

To

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R. KALAIMATHI, J.

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