



WEB COPY



W.P.No.20147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20147 of 2024

and

W.M.P.No.22054 of 2024

N.Elangovan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep.by its Secretary to the Government,
Commercial Taxes and Registration Department,
Secreatariat, Chennai-600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records in connection with the impugned letter bearing reference No.6403/E2/2017-5 issued by the 1st respondent dated 23.08.2018 and quash the same.

For Petitioner : Mr.V.Prakash,
Senior Counsel
For Mr.K.Krishnamoorthy

For Respondents : Mr.G.Nanmaran
Special Government Pleader (Taxes)

ORDER



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This Writ Petition has been filed challenging the order passed by the first respondent, thereby calling for the explanation in respect of charges 8 and 9.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner, while he was working as Joint Commissioner of Commercial Tax Department, suspended from service on the date of his superannuation on 30.06.2014. Thereafter, the petitioner was served with a charge memo dated 29.02.2016. After receipt of the explanation from the petitioner, an Enquiry Officer was appointed to conduct enquiry. The Enquiry Officer found nine charges were not proved and held in favour of the petitioner. However, the Disciplinary Authority issued notice dated 23.08.2018, thereby disagreed the findings of the Enquiry Officer and called for explanation from the petitioner. On receipt of the same, the petitioner submitted his reply dated 28.11.2018 that too after three months from the date of notice.



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Now the notice dated 23.08.2018 is under challenge. The petitioner failed to explain the delay of six years. That apart, the Disciplinary Authority, viz., the second respondent did not pass final order so far on the enquiry report and the explanation submitted by the petitioner.

4. In view of the above, the second respondent is directed to pass final order on the enquiry report, by considering the explanation submitted by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

25.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

1.The Secretary to the Government,
The State of Tamil Nadu,
Commercial Taxes and Registration Department,
Secreatariat, Chennai-600 009.

2.The Principal Secretary/
Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

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