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W.P.No.20094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM:

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

W.P.No.20094 of 2024
and W.M.P.No.21990 of 2024

P.Krishnakumar

...Petitioner

-Vs-

1. The Personal Assistant (General)
to District Collector,
Coimbatore.

2. The District Supply and Consumer
Protection Officer,
Coimbatore.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to defer all further proceedings relating to the charge memo issued in Na.Ka. No. CLRREV / 11511 / 2023-A3 dated 24.01.2024 on the file of the second respondent pending criminal proceedings in Crime No.496 of 2023 on the file of the C-2, Race Course Police Station, Coimbatore.

For Petitioner : Mr.P.Jagadeesan
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

This Writ Petition has been filed for direction directing the respondents to defer all further proceedings relating to the charge memo issued in Na.Ka. No. CLRREV / 11511 / 2023-A3 dated 24.01.2024 on the file of the second respondent pending criminal proceedings in Crime No.496 of 2023 on the file of the C-2, Race Course Police Station, Coimbatore.

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

3. The petitioner is working as Junior Revenue Inspector in the office of the Assistant Commissioner (Urban Land Tax) at Coimbatore. While being so, the petitioner was placed under suspension on 12.12.2023 under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on the allegation that the petitioner committed irregularity that he had signed a letter fraudulently using forged signature of the Assistant Commissioner (Urban Land Tax), thereby recommended to register a land ad-measuring 4200 sq.ft in S.F.No.212/21A, 1B, Vilankurichi Village, covered in Urban Ceiling. Pursuant to which, Assistant Commissioner (Urban Land Tax), also lodged a complaint



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before C-2, Race Course Police Station, Coimbatore in Crime No.496 of 2023

for the offences under Sections 465, 468, 471 and 420 of IPC. Thereafter, the petitioner was arrested and remanded to judicial custody.

4. Now, the learned counsel for the petitioner submitted that for the very same set of charges, the petitioner was issued with a charge memo and proceeded with disciplinary proceedings. When the criminal proceeding is pending, the departmental proceeding cannot go simultaneously and it affects the rights of the petitioner.

5. In support of his contention, he relied upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Stanzen Toyotetsu India Private Limited Vs. Girish V. and others*** reported in ***2014 3 SCC 636***, has clearly laid down a dictum as under:

“ 16. In the circumstances and taking into consideration all aspects mentioned above as also keeping in view the fact that all the three Courts below have exercised their discretion in favour of staying the on-going disciplinary proceedings, we do not consider it fit to vacate the said order straightaway. Interests of justice would, in our opinion, be sufficiently served if we direct the Court dealing with the criminal charges against the respondents to conclude the proceedings as expeditiously as possible but in any case within a period of one year from the date of this order. We hope and trust that the



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Trial Court will take effective steps to ensure that the witnesses are served, appear and are examined. The Court may for that purpose adjourn the case for no more than a fortnight every time an adjournment is necessary. We also expect the accused in the criminal case to co-operate with the Trial Court for an early completion of the proceedings. We say so because experience has shown that trials often linger on for a long time on account of non-availability of the defense lawyers to cross-examine the witnesses or on account of adjournments sought by them on the flimsiest of the grounds. All that needs to be avoided. In case, however, the trial is not completed within the period of one year from the date of this order, despite the steps which the Trial Court has been directed to take the disciplinary proceedings initiated against the respondents shall be resumed and concluded by the Inquiry Officer concerned. The impugned orders shall in that case stand vacated upon expiry of the period of one year from the date of the order.

17. In the result, we allow these appeals but only in part and to the extent indicated above. The parties are left to bear their own costs."

6. The above judgment is not applicable to the case on hand for the simple reason that the criminal case is pending at the FIR stage. On the other hand, the disciplinary authority served a charge memo consisting of two charges as against the petitioner. The charges are also grave in nature. Insofar as the forgery is concerned, a criminal complaint was lodged. Therefore, even before filing charge sheet, it cannot be said that both the charges are one and the same. Further, there is absolutely no impediment for proceeding with the disciplinary proceeding, pending criminal case that too in FIR stage.



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7. Therefore, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. The disciplinary authority is directed to complete the disciplinary proceedings, within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

19.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

mn

To

1. The Personal Assistant (General)
to District Collector,
Coimbatore.
2. The District Supply and Consumer
Protection Officer,
Coimbatore.

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