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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22570 of 2024
and W.M.P.Nos.24589 & 24590 of 2024

P.Kanagaraj

... Petitioner

Vs.

1.State of Tamil Nadu
Rep.by its Secretary
Government of Tamil Nadu
Commercial Taxes and Registration (H) Department,
Chief Secretariat, Chennai 600 009.

2.The Principal Secretary to Government,
Commercial Taxes and Registration (H) Department,
Secretariat, Government of Tamil Nadu,
Chennai.

3.The Inspector General of Registration,
Chennai – 28.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorari, Calling for the records on the file of the



respondents relating to the impugned show cause notice of the 2nd respondent dated 09.07.2024 bearing Ref. Letter No.11170/H2/2020-12 and quash the same.

For Petitioner : Mr.T.Saikrishnan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned Show Cause Notice issued by the 2nd respondent dated 09.07.2024 in Letter No.11170/H2/2020-12.

2.Heard Mr.T.Saikrishnan, learned counsel appearing on behalf of the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing on behalf of the respondents.

3.The case of the petitioner is that he was appointed as a Sub Registrar by way of direct recruitment. The next promotional avenue for the petitioner is to



the post of District Registrar. The 3rd respondent prepared a panel to the post of District Registrar by recruitment by transfer for the year 2017-2018. The name of the petitioner was not included citing a punishment that was awarded against the petitioner and its currency. Once again a panel was drawn by the 3rd respondent for the year 2018-19 and the name of the petitioner was once again not included citing the punishment awarded against him and the same being in currency.

4.The petitioner was thereafter considered for the panel of the year 2019-2020. This is in view of the fact that where the currency of the punishment continues at the time of the subsequent consideration for promotion, then the name can be included in that panel and the name of the concerned person cannot be passed over for the second time on account of the same punishment.

5.The grievance of the petitioner is that the 2nd respondent has issued a Show Cause Notice dated 09.07.2024, wherein, the petitioner was informed that his name is going to be deleted from the approved panel to the post of District Registrar and the petitioner was called upon to give his explanation.



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6. According to the petitioner, the Show Cause Notice is only an empty formality and that the Government has already taken a decision to delete the name of the petitioner from the approved panel. Hence, the present writ petition has been filed challenging the Show Cause Notice.

7. This Court carefully went through the impugned Show Cause Notice dated 09.07.2024. The Government has informed the petitioner that they are proposing to delete the name of the petitioner on the ground that the inclusion of his name in the approved panel for the post of District Registrar is against the conditions stipulated under the relevant provisions of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016.

8. The authority who has issued the above Show Cause Notice has the power and jurisdiction to issue such a Show Cause Notice. The grievance of the petitioner seems to be that the Government has already taken a decision and that the Show Cause Notice is only a completion of formality.



9.The petitioner is taking advantage of administrative guidelines that was issued in the year 1997. The Government is citing the provisions under the 2016 Act and saying that the name of the petitioner should not have been included in the panel.

10.The Show Cause Notice does not result in a final decision taken. The Government has only informed the petitioner that inclusion of the name of the petitioner is not in line with the certain provisions of the 2016 Act. On receipt of the same, the petitioner must only reply to the 2nd respondent as to how he is entitled for inclusion of his name and explain that the same is not in violation of any of the provisions of the 2016 Act. Ultimately, it only depends upon the interpretation of the relevant provisions of the 2016 Act which will decide the entitlement or otherwise of the petitioner to be considered for inclusion in the panel for promotion to the post of District Registrar.

11.In the light of the above discussion, this Court is not inclined to interfere with the impugned Show Cause Notice issued by the 2nd respondent. It is made clear that the petitioner will give his reply to the Show Cause Notice,



within a period of two weeks from the date of receipt of copy of this order. The petitioner will be entitled to raise all the grounds in his reply. On receipt of the same, the 2nd respondent shall deal with the issue on its own merits and in accordance with law and in line with the provisions relied upon under the 2016 Act. A final decision shall be taken, within a period of four weeks from the date of receipt of the explanation/reply from the petitioner.

12. In the result, this writ petition is disposed of with the above directions.

No Costs. Consequently, connected miscellaneous petitions are closed.

05.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Secretary
State of Tamil Nadu
Government of Tamil Nadu
Commercial Taxes and Registration (H) Department,
Chief Secretariat, Chennai 600 009.



2. The Principal Secretary to Government,
Commercial Taxes and Registration (H) Department,
Secretariat, Government of Tamil Nadu,
Chennai.

3. The Inspector General of Registration,
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N. ANAND VENKATESH, J.

ssr

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