



W.P(MD) No.6985 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.6985 of 2024
and
W.M.P(MD)No.6503 & 6505 of 2024

K.Murugesan

... Petitioner

Vs.

1.The Principal Secretary

Commercial Tax and Registration Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner

Tribunal For Disciplinary Proceedings,
4/929, 40 Feet Road,
Rahmath Nagar,
Tirunelveli - 11.



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3.The Inspector General of Registration,
Santhome Highway Road,
Mylapore,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent vide G.O.(D).No.400 dated 29.12.2023 and to quash the same as illegal arbitrary and consequently to direct the respondents to continue paying all the pensionary benefits based on petitioner's representations dated 07.01.2016, 06.05.2019, 16.06.2021 and 20.01.2023.

For Petitioner : Mr.S.Ramanathan

For Respondents : Mrs.Farjana Ghoushia,

Special Government Pleader



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ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorarified Mandamus challenging the impugned order passed by the 1st respondent vide G.O.(D).No.400, dated 29.12.2023 as illegal and arbitrary and seeking for a consequential direction to the respondents to continue to pay all the pensionary benefits based on his representations, dated 07.01.2016, 06.05.2019, 16.06.2021 and 20.01.2023.

2. Heard Mr.S.Ramanathan, learned counsel appearing for the petitioner and Mrs.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents.

3. The enquiry proceedings initiated against the petitioner is on certain alleged lapses and the petitioner was found guilty of two charges. The petitioner has not challenged the enquiry report so far. The petitioner was issued with a second show-cause



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notice and thereafter, the enquiry report has been accepted by the first respondent and an order of punishment has been passed by imposing a punishment of 1/3rd cut of the pension allowable to the petitioner.

4. The petitioner has filed this writ petition stating that the charges themselves have not been proved properly, but, the same has not been considered by the first respondent-authority and the impugned order has been passed without considering the essential facts.

5. The petitioner has not chosen to file any review petition, but, he is in the habit of giving a representation repeatedly. Even those representations could have been considered as a review application and the first respondent could have passed orders on the basis of same.



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6.As there is no substantial grounds raised to set aside the order of the 1st respondent, considering the petitioner's repeated representations to the Government, the first respondent is directed to consider the same and pass appropriate orders on its own merits within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM



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To

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R.N.MANJULA, J.

RM

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