



W.P.(MD)No.16419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16419 of 2024

and

W.M.P.(MD).Nos.14227, 14228 & 14230 of 2024

S.Mahalakshmi

... Petitioner

Vs.

- 1.The Secretary Government,
Department of Registration and Commercial Taxes Department,
St.George Fort,
Chennai,
- 2.The Inspector General of Registration,
100, Santhome High Road,
Chennai.
- 3.The Deputy Inspector General of Registration,
Tirunelveli Region,
Tirunelveli.

... 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 of the second respondent in proceedings No. 19751/V3/2024, dated 15.05.2024 and quash the same and subsequently directing the respondent to regularize the service of the petitioner.



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For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Ms.D.Farzhana Ghousia,
Special Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner and Mr.D.Farzhana Ghousia, learned Special Government Pleader appearing for the respondents.

3. The petitioner has filed this Writ Petition challenging the charge memo dated 15.05.2024 by stating that the charge memo is arbitrary in nature and it has been issued to the petitioner just to prevent him from getting his due promotion.

4. Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner submitted that the petitioner had applied for 27 days medical leave for which he is eligible; even according to the Tamil Nadu Leave Rules, 1933, if the authority concerned is not satisfied with the genuineness of the leave



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application submitted by the individual, he can refer the employee to the Medical Board within a period of three days. If the employee does not appear before the Medical Board on the prescribed date or if he does not join duty after obtaining Fitness Certificate, such absence shall be regularised by sanctioning other leave for which the petitioner is eligible. By citing the above Rule, it is claimed that the respondents ought to have either sanctioned the medical leave or if not satisfied to consider the leave under other eligible leave of the petitioner. Instead the charge memo has been given.

5. On perusal of the allegations made in the charge memo, it is seen that the petitioner had sent the message through Whatsapp to the third respondent and when the superior called through phone, he switched off the phone. It is further alleged that the leave application has been submitted by the petitioner when the officers are working in full swing in order to make things set right in accordance with the new guidelines issued to the District Registrars. The Rules as to the leave would only say that how an authority has to process the leave application and how the medical leave should be granted or in case, the leave could not be sanctioned as medical leave, how should it be considered. The petitioner cannot claim that the disciplinary authority should not take any action on the allegations of insubordination or failure to raising to the occasion and



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hence the action taken by the second respondent by issuing charge memo cannot be construed as an arbitrary action. However, the petitioner can subject himself for enquiry by submitting his explanation within the given time and co-operate for the earlier disposal of the pending disciplinary action.

6. Mrs.D.Farjana Ghousia, learned Special Government Pleader appearing for the respondents submitted that the disciplinary action is pending only because the petitioner had given a request to submit his explanation within a month on 18.06.2024.

7. Even if the petitioner is presumed to have given one month time, that would be over by 18.07.2024. It is learnt that the petitioner has not submitted his explanation so far. Though the petitioner contends that the disciplinary proceedings are not concluded in time, he cannot blame the authorities and say that the pending disciplinary proceedings would devolve right on him, when the time would arise for considering him for promotion.

8. In view of the same, the Writ Petition is **disposed of** by giving liberty to the petitioner to submit his explanation, if any, before the concerned authority within a period of two weeks from the date of receipt of a copy of this



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order and on receipt of the same, the second respondent shall conclude the disciplinary proceedings and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter. No costs. Consequently, the connected miscellaneous petitions are closed.

19.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary Government,
Department of Registration and Commercial Taxes Department,
St.George Fort,
Chennai,

2.The Inspector General of Registration,
100, Santhome High Road,
Chennai.

3.The Deputy Inspector General of Registration,
Tirunelveli Region,
Tirunelveli.



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R.N.MANJULA, J.

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