



W.P(MD)No.21055 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21055 of 2017 and
WMP(MD) Nos.17307 & 17308 of 2017

S.Gunasundari

... Petitioner

Vs

- 1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai – 600 001.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 3.The Deputy Inspector General of Registration,
Madurai Zone,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai – 625 107.
- 4.M.Paulpandi,
Erstwhile District Registrar of Karraikudi,



W.P(MD)No.21055 of 2017

WEB COPY

Presently Assistant Inspector General of Registration,
District Registrar's Office,
Madurai South,
No.171, Palace Road,
Madurai – 625 001.

5.District Registrar (Administration),
Muthurani Muduku Lane,
Karaikudi – 630 101.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in his charge memos in 3991/A1/2017, dated 20.06.2017 and charge memo No.4068/A1/2017, dated 24.06.2017 and suspension order in Proc.No.4069/A1/2017 issued on 27.06.2017 and another order passed in Proc.No.28834/B1/2017, dated 30.06.2017 of the second respondent and to quash the same and to direct the respondent to permit the petitioner to retire from the service with all consequential benefits on 30.06.2017.

For Petitioner	: Mr.R.Devaraj Senior Counsel
For R1 to R3 & R5	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R4	: No appearance



W.P(MD)No.21055 of 2017

ORDER

WEB COPY

Challenging the charge memo and the suspension order dated 20.06.2017 & 24.06.2017, this writ petition was filed in the year 2017.

2.The case of the petitioner is that she was appointed as Junior Assistant in the Registration Department on 03.04.1984. At the time of her superannuation, she has discharged her duties as Sub Registrar Grade II. The petitioner was issued with charge memos, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, in Memo Nos. 3991/A1/2017, dated 20.06.2017 and 4068/A1/2017, dated 24.06.2017, by the Deputy Inspector General of Registration, Madurai that while she was working as Joint Sub Registrar I in the office of the District Registrar of Karaikudi, she has registered four sale deeds in Doc.Nos.1550/2016, 1555/2016, 1556/2016 and 1586/2016 for an unapproved layout, in contravention of the interim order of this Court in W.P.No.19566 of 2016, dated 09.09.2016. The second charge memo has been issued



W.P(MD)No.21055 of 2017

that the petitioner has registered a document in Doc.No.296 of 2014, a partition deed, dated 15.02.2013, which was not duly stamped, thereby causing a revenue loss to the Government to the tune of Rs.28,73,864/-. The grievance of the petitioner is that she was suspended from service and not permitted to retire on the date of her superannuation on 30.06.2017. Aggrieved over the above orders, the petitioner has filed this writ petition in the year 2017.

3. When this writ petition was listed for admission on 16.11.2017, the learned Special Government Pleader took notice for the respondent and submitted that they would complete the disciplinary proceedings as against this petitioner within a stipulated time. On the submissions made by the learned Special Government Pleader, a request was made on behalf of the petitioner that they would get instruction from the petitioner for withdrawing this Writ petition, for completing the enquiry within a stipulated time. Thereafter, this writ petition was listed in the year 2018 and on request it has been adjourned.



W.P(MD)No.21055 of 2017

WEB COPY

4.Though this writ petition was not admitted and no notice was ordered, the respondents have filed a detailed counter affidavit and by referring the counter affidavit, the learned senior counsel appearing for the petitioner submits that the language in the counter affidavit appears that the authority even before completing the enquiry has predetermined the issue. He further submits that the petitioner has been suspended from service at the verge of her retirement.

5.When this writ petition was taken up for hearing on 06.11.2024, a representation has been made by the learned Additional Government Pleader that the enquiry was completed and orders have also been passed and requested time to get a written instructions. Therefore, this writ petition is listed today under the caption "for orders".

6.The learned Additional Government Pleader based on the written instructions now provided, submits that the enquiry has



W.P(MD)No.21055 of 2017

not yet been completed, in view of the pendency of this writ petition.

However, he assures that the enquiry would be completed within a reasonable time of four weeks.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.The petitioner was issued with two charge memos in the year 2017, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules that while she was working as Sub Registrar, Joint I Sub Registrar Office, Karaikudi has registered certain documents in violation of the order passed by this Court and a deed of partition, which was registered by the petitioner was not duly stamped, thereby, she has caused a loss of Rs.28,73,864/- to the Government. It appears that though charges have been proved, the enquiry has not been completed for the past seven years, for which, the respondents have taken a stand that due to pendency of this writ petition, they could not proceed with the enquiry. Admittedly, there



W.P(MD)No.21055 of 2017

is no interim order in this writ petition. Even then, the respondents are taking a plea that in view of the writ petition pending before this Court, they have not conducted the enquiry from the year 2017. The learned Additional Government. Pleader, now based on the written instructions provided to him submits that the enquiry would be concluded within a period of four weeks. The writ petition is filed challenging the charge memos and the consequential suspension order. The main contention of the petitioner is that the petitioner has been suspended on the verge of her retirement. The Government has issued various guidelines to the authorities in G.O(Ms)No.144, Personnel and Administrative Reforms (N), Department dated 08.06.2007, not to initiate departmental proceedings at the verge of retirement. However, the Departments are invariably taking action against some officials only on the last day of their retirement. Here, in this case, the departmental enquiry appears to have been completed and the orders are likely to be passed. Therefore, at this stage and after a period of seven years, this Court is not inclined to interfere with the charge memo, considering the stage of the enquiry.



W.P(MD)No.21055 of 2017

WEB COPY

9. Therefore, this writ petition is disposed with the direction to the respondents to conclude the enquiry within a period of four weeks from the date of receipt of a copy of this order. The enquiry officer and the disciplinary authority is expected to take action depending upon the evidence adduced in the enquiry and not influenced by the counter affidavit already filed by the respondents. No costs. Consequently, connected Miscellaneous petitions are closed.

07.11.2024

NCC: Yes/No

Index: Yes

vrn

Note: Issue order copy on **11.11.2024**.



W.P(MD)No.21055 of 2017

To
WEB COPY

- 1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai – 600 001.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 3.The Deputy Inspector General of Registration,
Madurai Zone,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai – 625 107.
- 4.The District Registrar (Administration),
Muthurani Muduku Lane,
Karaikudi – 630 101.



WEB COPY



W.P(MD)No.21055 of 2017

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.21055 of 2017 and
WMP(MD) Nos.17307 & 17308 of 2017

07.11.2024