IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.20385 of 2025
and
W.M.P.No.22978 of 2025

A.Madurai Pandian ... Petitioner

Vs.

1. The Secretary,
   Commercial Taxes & Registration Department,
   Fort St.George, Secretariat,
   Chennai – 600 009.

2. The Commissioner of Commercial Taxes,
   Ezhilagam, Chepauk,
   Chennai – 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to pass final orders on the enquiry findings dated 30.09.2022 forthwith as directed by the Division Bench of this Court in W.A.No.16 of 2022, dated 08.02.2022.

For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.C.Harsha Raj,
Special Government Pleader

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O R D E R

This Writ Petition has been filed to direct the first respondent to pass final orders on the enquiry findings dated 30.09.2022 forthwith as directed by the Division Bench of this Court in W.A.No.16 of 2022, dated 08.02.2022.

2. When the matter was listed on 11.06.2025, this Court passed the following order:-

> *"The learned counsel for the petitioner would submit that the petitioner was issued with a charge memo dated 19.07.2021. Aggrieved with the same, the petitioner preferred a Writ Petition in W.P.No.23713 of 2021, and it was dismissed by this Court by order dated 08.11.2021, and subsequently, he was suspended on 16.12.2021. Thereafter, after intervention of the Division Bench of this Court in the judgment passed in W.A.No.16 of 2022 dated 08.02.2022, the enquiry report was filed by the Enquiry Officer on 30.09.2022, and such report was also furnished to the petitioner on 06.08.2023. On receipt of the enquiry report, the petitioner had also given a further representation immediately. Since 2023, neither final order has been passed nor has his suspension been revoked.*

2. It is the specific submission of the learned counsel for the petitioner that in W.A.No.16 of 2022, there was a direction to the respondents to complete the enquiry proceedings within a period of four months from the date of receipt of a copy of that order. Even inspite of such specific direction, the respondents have not concluded the enquiry proceedings, and taking advantage of the pendency of the enquiry proceedings, they have also not revoked the petitioner's suspension. Hence, he prayed to interfere with the same.

3. At this juncture, Mrs. Vasanthamala, the learned Government Advocate, takes notice for the respondents and would submit that due to the pendency of the DV & AC proceedings, they are not in a position to pass a final order. However, this Court put a pertinent question to the learned Government Advocate: is there any possibility to revoke the suspension of the petitioner and place him in a non-sensitive post. In this regard, she seeks short accommodation to get instructions from the authorities.

4. Post the matter on 16.06.2025."

3. Today, the learned Special Government Pleader appearing for the respondents would submit that they would pass final orders within a reasonable time.

4. In such view of the same, without going to the merits of this Writ Petition, this Court deems it appropriate to direct the first respondent to pass final orders within a period of six weeks from the date of receipt of a copy of this order. This Court further order, if there is any arrears in respect of the payment of subsistence allowance, the petitioner is directed to submit a representation to the respondents as expeditiously as possible. On receipt of such representation, the respondents are directed to dispose of the said representation and pass orders on its own merits and in accordance with law, within a period of four weeks thereafter.

5. With the above observations, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

18.06.2025

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

To

1. The Secretary,
   Commercial Taxes & Registration Department,
   Fort St.George, Secretariat,
   Chennai – 600 009.

2. The Commissioner of Commercial Taxes,
   Ezhilagam, Chepauk,
   Chennai – 600 005.

C.KUMARAPPAN, J.

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