



W.A.No.2373 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2373 of 2024

AND

C.M.P.No.16669 of 2024

1. Inspector General of Registration
100, Santhome High Road
Chennai 600 028

2. The Deputy Inspector General of Registration
Chennai Zone, Chennai

.. Appellants

Vs.

P.Ponpandian

.. Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.03.2024 passed in W.P.No.6420 of 2024.

For Appellants : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.U.Baranidharan
Special Government Pleader

For Respondent : Mr.J.Jayamalan



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5.In the meanwhile, disciplinary proceedings were initiated against him and a definite charge was framed and the same was served on him. The respondent/writ petitioner, despite the notice having been issued by the Enquiry Officer on two occasions in this regard on 23.06.2023 and again on 21.06.2024, on both the occasions, did not choose to appear before the Enquiry Officer. Because of the non-cooperation on the part of the respondent/writ petitioner, the conclusion of disciplinary proceedings initiated against him got delayed.

6.In this context, the learned counsel appearing for the respondent/writ petitioner would submit that the documents which are going to be relied upon by the prosecution side in the departmental enquiry were sought for and since they were not furnished to him, he was not in a position to face the enquiry and that is the reason, even though he appeared before the Enquiry Officer, he sought for time again and again for furnishing of the documents which are, so far, not furnished.

7.Therefore, the appellant Department seeks indulgence of this Court insofar as the reinstatement that was ordered by the learned Judge, through the order dated 12.03.2024, which is impugned herein.



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8. We have heard Mr.R.Neelakandan, learned Additional Advocate General, appearing for the appellant Department, who would submit that insofar as the criminal case is concerned, it will take some longer period to complete the trial. However, that will no way hamper the right of the employer to proceed with the enquiry by way of departmental proceedings that has been initiated, where definite charges were framed and served on the respondent/writ petitioner. If the delinquent had faced the enquiry, by this time, the enquiry would have been over and he would have been in a position to know his fate, whether the charges framed against him have been proved or not. If the same had not been proved, he would have been reinstated or if the same had been proved otherwise, necessary punishment would have also been decided by the disciplinary authority. But, due to non-cooperation on the part of the respondent/writ petitioner, the entire disciplinary proceedings are unnecessarily prolonged and this is inappropriate on the part of the respondent/writ petitioner, learned Additional Advocate General contended.

9. We have considered the said submissions made by the learned counsel appearing for both sides as well as the order passed by the writ Court dated 12.03.2024, in and by which, the learned Judge quashed the impugned order and directed the appellants to reinstate the respondent/writ petitioner into service and post him in any non-sensitive post, in the meanwhile.



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10. Insofar as the said course of action that was adopted by the learned Judge in the impugned order is concerned, we feel that insofar as the disciplinary proceedings in some of the cases like the present nature of trap case by V&AC is concerned, the employer might not have initiated any disciplinary proceedings and simply, the employee can be kept under suspension for a long period. In such a case, the Court would show its indulgence to revoke the suspension and initiate disciplinary proceedings. Till such time, he or she can be reinstated into service.

11. However, in the case in hand, the employer had already initiated disciplinary proceedings by framing definite charges and the charge memo was also served on the respondent/writ petitioner and on two occasions, notice was issued by the Enquiry Officer. Despite that, the respondent/writ petitioner *i.e.*, the delinquent, had not chosen to cooperate for the completion of enquiry.

12. For such non-cooperation, it was stated by the learned counsel appearing for the respondent/writ petitioner that non-supply of documents was the main reason. This Court does not find that such a reason is a worthy one for stalling the disciplinary proceedings itself.



13. In that view of the matter, we are not approving the direction given by the learned Judge by quashing the suspension order and giving a direction to reinstate the respondent/writ petitioner into service..

14. Resultantly, the following orders are passed:

- i. There shall be a direction to the appellant/Department to complete the disciplinary proceedings within a period of three months from the date of receipt of a copy of this judgment.
- ii. In this context, whatever relevant documents the respondent/writ petitioner requires to be furnished, the respondent/writ petitioner shall make a request to the authorities. Such request shall be made immediately by the writ petitioner, and upon such request being made, the employer shall immediately furnish the said documents to him. After furnishing the documents only, the disciplinary proceedings shall be commenced by the Enquiry Officer.
- iii. Ultimatum of three months period since has been given, the said three months period would start from the date the disciplinary authority or the Enquiry Officer supplies the copies to the respondent/writ petitioner, for which, a representation/ request shall be made immediately by the respondent/writ petitioner



within a period of two weeks from the date of receipt of a copy of this judgment.

iv. Needless to mention that once the disciplinary proceedings has ended, depending upon the decision to be made by the disciplinary authority, the further course of action with regard to employment/re-employment, *etc.* of the respondent/writ petitioner can be decided.

v. It is made clear that within the time frame as provided herein above, if the disciplinary proceedings is not completed, for which, a reason cannot be attributable on the employee and if he has co-operated and despite that, the enquiry could not be completed and the disciplinary proceedings is not able to be completed within the time frame, then, immediately on the completion of three months period, the suspension order which was impugned before the writ Court shall stand revoked and the direction given by the learned Judge in the operative portion of the learned Judge *i.e.*, at paragraph 6 of the order dated 12.03.2024, shall be complied with.

vi. It is further made clear that in respect of the documents to be furnished to the delinquent, if those documents are in the custody of V&AC and if a request is made by the



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appellant/Department, the same shall be complied with and the copies of documents shall be immediately given to the appellant/Department, so as to enable the appellant/Department, which, in turn, shall furnish the same to the respondent/writ petitioner.

With these modifications of the order impugned, this Writ Appeal is disposed of accordingly. No costs. Connected C.M.P. is closed.

[R.S.K., J.] [H.C., J.]
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