



W.A.No.247 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.247 of 2025
and
C.M.P.No.1774 of 2025**

1. The State of Tamil Nadu,
Represented by
The Inspector General of Registration,
100, Santhom High Road, Chennai - 600 028.

2. The Deputy Inspector of Registration,
Thanjavur.

3. The District Registrar (Audit),
Nagapattinam.

4. The District Registrar (Audit),
Thiruvarur.

5. The Sub Registrar,
Mannargudi, Thiruvarur District.

... Appellants

-Vs-

P.Dinesh,
Assistant, I/c Sub Registrar,
Mannargudi,
(under Suspension),
S/o.Pakkirisamy,
No.3/35 Adhanur Post,
Vedharanyam Taluk, Nagapattinam.

... Respondent



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PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.30107 of 2022 dated 11.09.2023 and allow the above writ appeal.

For Appellants : Mr.B.Vijay
Additional Government Pleader

For Respondent : Mr.R.Naveen

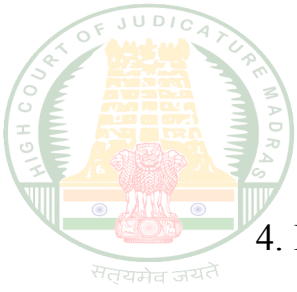
J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 11.09.2023 in W.P.No.30107 of 2022.

2. The respondent was working as a Sub Registrar Incharge under the appellant Department. While so, there has been a trap case against him, on 21.02.2022, as a trap was set up by the Vigilance and Anti-Corruption. Resultantly, he has been arrested and has been in judicial custody for more than 48 hours. As a result of which, he was placed under suspension by order dated 28.02.2022.

3. While he was under suspension, a charge memo has been issued against him on 14.05.2024 and an Enquiry Officer also had been appointed on 12.06.2024.



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4. In the meanwhile, challenging the FIR filed by the Vigilance and Anti-Corruption Department against the respondent, he had approached this Court by filing a criminal original petition seeking quashment of the said FIR where he has in fact succeeded as this Court by order dated 25.07.2023 in CrI.O.P.No.14514 of 2023 allowed the said criminal original petition and quashed the FIR.

5. Subsequently, the respondent / writ petitioner also filed writ petition in W.P.No.22418 of 2024 challenging the charge memo as well as the appointment of Enquiry Officer where by an interim order dated 02.08.2024, the writ Court has stayed the disciplinary proceedings initiated against him.

6. In the meanwhile, in the year 2022 itself, he has also filed the writ petition in W.P.No.30107 of 2022 questioning the order of suspension dated 28.02.2022 and the rejection of representation dated 21.06.2022. The said writ petition has been allowed on 11.09.2023 through the impugned order.

7. We have heard Mr.B.Vijay, learned Additional Government Pleader appearing for the appellants. He would submit that if we look at the veracity of the charges that has been framed against the respondent as part of the



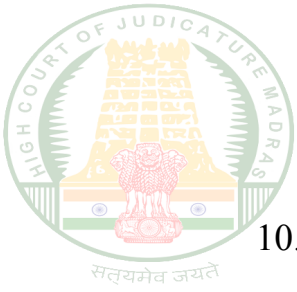
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disciplinary proceedings which has already been initiated in the year 2022 itself

by placing him under suspension and the charge memo has been issued on 14.05.2024 and the Enquiry Officer also has been appointed on 12.06.2024 because of the stay granted by the writ Court in the said W.P.No.22418 of 2024, the Department could not proceed further.

8. The learned Additional Government Pleader would also canvass the point that, it is a settled legal proposition that even if a criminal case ended in acquittal or FIR is quashed or the charge sheet is quashed, that would not *ipso facto* give a clean chit to the delinquent insofar as the disciplinary proceedings is concerned and therefore, to that extent, the appellant Department is entitled to proceed against the respondent delinquent, i.e., writ petitioner by way of disciplinary proceedings, therefore, the learned Additional Government Pleader appearing for the appellants would seek indulgence of this Court against the order passed by the writ Court, thereby the order of suspension dated 28.02.2022 has been set aside and therefore, he seeks indulgence to that effect.

9. We have considered the said submissions made by the learned Additional Government Pleader appearing for the appellants and we have also perused the materials placed before this Court.

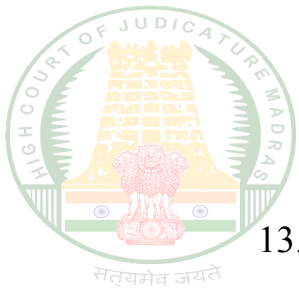


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10. The facts that has been discussed herein above has made it very clear that, insofar as the criminal case is concerned, FIR itself has been quashed by the orders of this Court dated 25.07.2023 in CrI.O.P.No.14514 of 2023.

11. Insofar the disciplinary proceedings initiated against the respondent delinquent is concerned, both the charge memo dated 14.05.2024 and the order of appointing the Enquiry Officer dated 12.06.2024 since have been questioned, a stay has been granted in W.P.No.22418 of 2024 by the writ Court on 02.08.2024. When that being the position, since the suspension is dated 28.02.2022 keeping the respondent / writ petitioner in a prolonged suspension without showing any progress in their disciplinary proceedings would unnecessarily waste the expenditure of the Government without extracting any useful work from the respondent / writ petitioner.

12. Therefore to that extent, the view taken by the learned Judge through the impugned order allowing the writ petition by setting aside the order of suspension dated 28.02.2022 is to be approved, as a result of which this appeal naturally has to fail and therefore, it has to be dismissed.

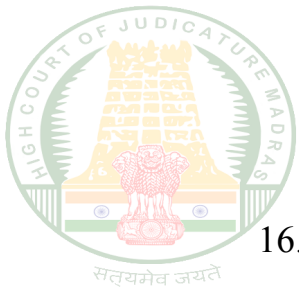


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13. While dismissing this writ appeal, we also observe that, it is open to the appellant Department to pursue the writ petition, i.e., W.P.No.22418 of 2024 and once the appellants are able to get an order in their favour in the said writ petition, there could not be any further impediment to them to proceed against the respondent / writ petitioner in the disciplinary proceedings.

14. This observations is fortified by the view taken by the Hon'ble Supreme Court in the case of ***Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay*** reported in ***2022 LiveLaw (SC) 3***, where the Hon'ble Supreme Court has expressed the view that, an acquittal in a criminal trial has no bearing or relevance on the disciplinary proceedings as the standard of proof in both the cases are different and the proceedings operate in different fields and with different objectives.

15. Therefore taking note of this legal proposition in mind, it is open to the appellant Department to pursue their legal right in the pending writ petition and accordingly, they can act upon. However, this could not any way place the appellants in advantage position to seek indulgence of this Court in the present writ appeal against the impugned order dated 11.09.2023.



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16. Resultantly, this Writ Appeal is dismissed. In view of the dismissal of

WEB this writ appeal since reinstatement has to be given to the respondent / writ petitioner considering the nature of the charge memo that has been framed against the respondent delinquent / writ petitioner, he may be posted in any non-sensitive post preferably at the Headquarters without taking his service directly into the office of the Registration Department. It is also made clear that, in pursuing the pending writ petition, the observation that has been made by the learned Judge in the impugned order would not stand in the way and make the appellants in a disadvantage position. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
29.01.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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