



W.P.No.35832 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.35832 of 2023

G. Sathishkumar

.. Petitioner

Versus

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

2. The Inspector General of Registration,
Department of Registration,
Santhome, Chennai – 600 028.

3. The District Registrar (Administration)
Department of Registration,
Kancheepuram – 631 601.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reinstate the petitioner in the service during the pendency of disciplinary proceedings No.40202/V2/2020-1 dated 19.01.2023 by considering petitioner's representation dated 23.11.2023 and pass orders.

For Petitioner

: Mr.C. Iyappa Raj

For Respondents

: Mr.R.Sasikumar,
Government Advocate



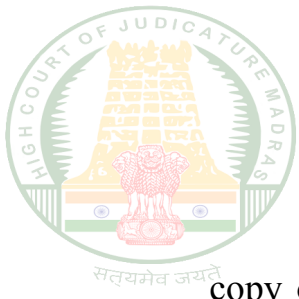
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ORDER

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This petition is filed to issue a Writ of Mandamus directing the respondents to reinstate the petitioner in the service during the pendency of disciplinary proceedings No.40202/V2/2020-1 dated 19.01.2023 by considering petitioner's representation dated 23.11.2023 and pass orders.

2. The facts of the case is that the petitioner was working as an Assistant in the Registration Department. Whiles, based on a complaint given by one Thirunavakarasu, a case in Crime No.10/AC/2020/KM has been registered under Section 7 of the Prevention of Corruption Act, 1988 and the same was taken up for investigation. Pursuant to which, the petitioner was suspended from services by the second respondent vide proceedings No.40202/V2/2022-1 on 28.12.2020. The petitioner has filed W.P.No.26202 of 2021 seeking for revocation of the suspension order and this Court vide order dated 28.10.2022 disposed of the writ petition with a direction to pass final orders on the petitioner's representation dated 20.10.2021, in the light of the G.O.Ms.No.81 dated 04.08.2022 within a period of eight weeks from the date of receipt of a



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copy of this order. Thereafter, the petitioner submitted a representation on 23.11.2023 to reinstate the petitioner into service during the pendency of disciplinary proceedings No.40202/V2/2020 dated 19.01.2023. However, there was no progress in the said representation, which has given rise to this petition.

3. The learned counsel for the petitioner submits that the petitioner is under suspension from 28.12.2020 to till date and the prolonged suspension affects his service and promotional aspects. He further submitted that even during the pendency of disciplinary enquiry, a delinquent may be reinstated into service in consultation with the appropriate authority. Hence, prays to allow this petition.

4. The learned Government Advocate has filed a counter affidavit wherein, it has been stated that the two charges were framed simultaneously under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the petitioner under Charge Memo No.40202/V2/2020 dated 19.01.2023 and an enquiry officer has been appointed to enquire into the above charges and the enquiry is pending. Apart from that a criminal case is pending in Crime No.10/Ac/2020/Km under Section 7 of the Prevention of Corruption Act, 1988 against the



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petitioner and the same was taken on file in Special case in No.5/2023 which is pending before the Chief Judicial Magistrate cum Special Judge, Chengalpet under The Prevention of Corruption Act, 1988 for trial. Hence, prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. On a perusal of records, it is seen that a complaint was lodged against the petitioner before the Department of vigilance and Anti Corruption, Kancheepuram against the petitioner alleging that on 10.12.2020 he had demanded a sum of Rs.1,00,000/- to issue a valuation certificate. Based on the said complaint a case in Crime No.10/Ac/2020/Km has been filed under Section 7 of the Prevention of Corruption Act, 1988. After filing of final report by the Vigilance and Anti-Corruption Department, the case was numbered as Special case in No.5 of 2023 and the same is currently pending before the Chief Judicial Magistrate cum Special Judge, Chengalpet under Prevention of Corruption Act, for trial.



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7. In view of the above facts, the Chief Judicial Magistrate cum Special Judge, Chengalpet is directed to proceed with the trial and complete the same within a period of six months from the date of receipt of a copy of this Order. The petitioner is directed to co-operate with the trial. The Respondent/Authorities are directed to complete the disciplinary proceedings based on the Judgment of the Chief Judicial Magistrate cum Special Judge, Chengalpet

8. With the above directions, this writ petition stands disposed of.

No order as to costs.

08.04.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

1. The Principal Secretary to State Government,
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Fort St. George, Chennai.

2. The Inspector General of Registration,
Department of Registration, Santhome, Chennai – 600 028.

3. The District Registrar (Administration)
Department of Registration, Kancheepuram – 631 601.



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V.BHAVANI SUBBAROYAN, J.

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