IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
and
THE HONOURABLE MR.JUSTICE **G.ARUL MURUGAN**

WA No.3669 of 2024
and
CMP No.28924 of 2024

V.Mahendiran ... Appellant

versus

1.The Government of Tamil Nadu
Represented by Secretary to Government,
Commercial Taxes and Registration Department,
Chennai-600 009.

2.The Principal Secretary and
Commissioner of Commercial Taxes,
O/o The Commissioner of Commercial Taxes
Chepauk, Chennai-600 005. ...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge in WP No.18591 of 2023 dated 12.09.2024.

For the Appellant : Ms.Subhasree N

For the Respondents : Mr.C.Harsharaj
Additional Government Pleader

JUDGMENT

(Delivered by by *R. SUBRAMANIAN, J.*)

Challenge is to order of the writ court dated 12.09.2024, in and by which, the writ court by refusing to quash the charge memo dated 06.02.2020 directed the enquiry to be completed within a period of three months from the date of receipt of a copy of the order. The appellant is aggrieved by the dismissal of the writ petition.

2. It is now brought to our notice that pursuant to an earlier charge memo dated 28.01.2014, an enquiry was conducted against the appellant and the charges were held proved. Based on the enquiry report, the Government passed G.O.(2D)No.134 dated 17.11.2023 imposed a punishment of compulsory retirement on the appellant.

3. It is stated that the appellant had challenged the said compulsory retirement by way of writ petition which was dismissed giving liberty to the appellant to seek review before the Government. It is now stated by the learned Additional Government Pleader that the Government has rejected the review also by order dated 26.03.2025.

4. In view of the above, the appellant services stand terminated as of today. Therefore, the enquiry as directed by the learned Judge cannot be conducted. It is also stated that the appellant has attained the age of superannuation. Therefore, even if at all any further enquiry has to be conducted based on the charge memo dated 06.02.2020, it would depend on the earlier order of punishment made vide G.O.(2D)No.134 dated 17.11.2023 being set aside. As of today, the employer-employee relationship stands snapped. Therefore, no enquiry can be conducted on the basis of the charge memo dated 06.02.2020. Hence, the entire proceedings has become infructuous. The writ petition is therefore disposed of as having become infructuous. There shall be no order as to costs. Consequently,

connected miscellaneous petition is closed.

5. Liberty is however reserved to the respondents to launch appropriate enquiry if the respondents, so desire, depending upon the outcome of the challenge under the Pension Rules, in accordance of law to the earlier order of compulsory retirement.

(R.S.M., J.) **(G.A.M., J.)**
15.04.2025

Index : Yes/No
Neutral Citation : Yes/No
mrn

To
1.The Secretary to Government,
The Government of Tamil Nadu
Commercial Taxes and Registration Department,
Chennai-600 009.

2.The Principal Secretary and
Commissioner of Commercial Taxes,
O/o The Commissioner of Commercial Taxes
Chepauk, Chennai-600 005.

<u>R.SUBRAMANIAN, J</u>
<u>and</u>
<u>G.ARUL MURUGAN, J.</u>

(mrn)

<u>WA No.3669 of 2024</u>
<u>and</u>
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