IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No.13092 of 2013

T.P.Ramachandran

..Petitioner

Vs

1. The Inspector General of Registration,
   Santhome High Road,
   R.A. Puram, Chennai-28.

2. The Secretary to Government,
   Department of Commercial Taxes and
   Registration,
   Fort St. George, Chennai-9.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari calling for the records comprised in the proceedings of the 1st respondent bearing No.14887/V3/2013 dated 26.3.2013 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

The petitioner challenges the charge memo dated 26.03.2013 issued by the first respondent. In the said charge memo, it is alleged that while functioning as Deputy Registrar (Assistant Inspector General) at Coimbatore, the petitioner issued a circular dated 02.06.2011 to all Sub-Registrars within the Registration District of Coimbatore directing them to register Arbitration Awards without obtaining the concurrence of the Inspector General of Registration. It is alleged that the said circular was issued unilaterally, contrary to the existing procedures, and thereby in violation of Rule 20(1) of the Tamil Nadu Government Servants' Conduct Rules.

2. It is further alleged that, while serving as District Registrar (Assistant Inspector General Cadre), Coimbatore, the petitioner registered Document No.2665 of 2010 even prior to the issuance of the above circular dated 02.06.2010. According to the respondents, the said document was not duly presented, and the Award passed by the Arbitral Tribunal was without jurisdiction, thereby violating Rule 162(a) of the Tamil Nadu Registration Manual. It is also alleged that the document did not qualify as an Award under Article 12 of the Indian Stamp Act nor as a Partition Deed under Article 45 of the Indian Stamp Act. However, the petitioner permitted its registration as a Partition Deed instead of as a Conveyance under Article 23 of the Indian Stamp Act, thereby causing a loss of revenue to the Government to the tune of Rs.28,32,510/-.

3. The first respondent has filed a counter affidavit contending that Section 68 of the Registration Act does not confer unfettered authority upon the

petitioner to issue directions to Sub-Registrars. It is submitted that the petitioner is empowered only to issue orders consistent with the Act in respect of any act or omission of a Sub-Registrar or for rectification of errors relating to the books or the office in which any document has been registered. It is further stated that the charge memo was issued after careful examination, which prima facie disclosed that the petitioner caused loss of revenue by registering a document with lesser stamp duty than that prescribed under the relevant Article and also violated Section 34 of the Registration Act.

4. The charges pertain to the year 2010, whereas the charge memo is dated 26.03.2013, issued just a few days prior to the petitioner attaining the age of superannuation on 31.03.2013. The charge memo was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, which contemplates major penalties such as compulsory retirement, removal from service, or dismissal from service. The petitioner was permitted to retire from service on attaining the age of superannuation on the afternoon of 31.03.2013, without prejudice to the disciplinary proceedings initiated under Rule 17(b) of the Rules. Once the petitioner was permitted to retire, no order of dismissal, removal, or compulsory retirement could thereafter be passed against him under Rule 17(b). In such circumstances, the continuation of proceedings under Rule 17(b) becomes legally untenable and unenforceable.

5. Without going into the merits or otherwise of the allegations levelled against the petitioner, this Court confines itself to the limited legal issue as to whether the proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 can be continued after the petitioner has been permitted to retire from service. Rule 17(b) contemplates imposition of major penalties such as compulsory retirement, removal from service and dismissal from service, all of which necessarily presuppose the existence of a subsisting employer–employee relationship.

6. In the present case, the petitioner was permitted to retire from service on attaining the age of superannuation, albeit without prejudice to the disciplinary proceedings. Once the petitioner stood retired, the relationship of master and servant ceased to exist. In the absence of any specific statutory provision enabling the continuation of proceedings under Rule 17(b) for the purpose of imposing major penalties after retirement, the very foundation for such proceedings becomes unsustainable in law. A disciplinary proceeding which cannot culminate in any of the penalties prescribed under the Rule would be rendered otiose and without jurisdiction.

7. It is well settled that disciplinary action must strictly trace its source to the statutory rules governing the service conditions of the employee. In the absence of an enabling provision permitting continuation of proceedings for the limited purpose of withholding or withdrawing pensionary benefits under the

relevant Pension Rules, the respondents cannot invoke Rule 17(b) after permitting the petitioner to retire from service.

8. Therefore, without expressing any opinion on the factual allegations or the correctness of the charges, this Court holds that the impugned charge memo cannot be sustained in law. Accordingly, the writ petition stands allowed and the charge memo dated 26.03.2013 is quashed.

9. Though no interim order was granted by this Court, the respondents did not proceed with the enquiry and permitted the petitioner to retire from service. The respondents are directed to compute the petitioner's pension and all consequential pensionary benefits and disburse the same within a period of four months from the date of receipt of a copy of this order. No costs.

18-02-2026

Neutral Citation: Yes/No
MRN

To
1. The Inspector General of Registration,
   Santhome High Road, R.A. Puram, Chennai-28

2. The Secretary To Government,
   Department Of Commercial Taxes And Registration,
   Fort St. George, Chennai-9

HEMANT CHANDANGOUDAR, J.

MRN

WP No. 13092 of 2013

18-02-2026