



WEB COPY

WP No. 9910 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 9910 of 2026
& WMP.No.10706 of 2026**

R.Karthik Ashwin
S/o.S.Rajagopal
Assistant
O/o.Deputy Commissioner (ST)
Commercial Taxes Department
Karur

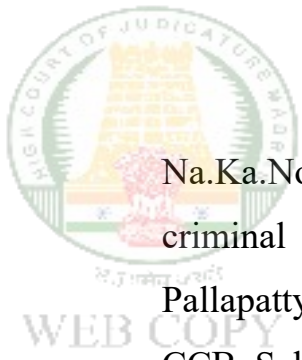
..Petitioner(s)

Vs

1. The Joint Commissioner (Sales Tax)
Erode Division
Erode.
2. The Assistant Commissioner (Sales Tax)
cum Enquiry officer
O/o.Assistant Commissioner (Sales Tax)
Chithodu Tax Assessment Circle
Combined Commercial Tax Additional
Building, No.161, Meenatchi Sundaranar
Road, Erode - 638 001.
3. Tmt.K.Sowmya
Assistant Commissioner (Sales Tax) cum
Enquiry Officer
O/o.Assistant Commissioner(Sales Tax)
Chithodu Tax Assessment Circle
Combined Commercial Tax Additional
Building, No.161, Meenatchi Sundaranar Road,
Erode - 638 001.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to pass orders on the representation made by the petitioner dated 19.11.2025 to keep the disciplinary proceedings issued by the 1st respondent in



Na.Ka.No.A3/4194/2019 dated 27.10.2025 in abeyance, pending disposal of the criminal case filed in Cr.No.247/2019 dated 3.7.2019 on the file of the Pallapatty PS, Salem District and Cr.No.13/2019 dated 5.9.2019 on the file of CCB, Salem City P.S., within a reasonable time.

For Petitioner(s): Mr.K.Venkataramani,
Senior Counsel for Mr.M.Muthappan

For Respondent(s): Mr.C.Harsha Raj,
Special Government Pleader
for R1 & R2

ORDER

The above writ petition has been filed for the following prayer:

“for a Writ of Mandamus, directing the 1st respondent to pass orders on the representation made by the petitioner dated 19.11.2025 to keep the disciplinary proceedings issued by the 1st respondent in Na.Ka.No.A3/4194/2019 dated 27.10.2025 in abeyance, pending disposal of the criminal case filed in Cr.No.247/2019 dated 3.7.2019 on the file of the Pallapatty PS, Salem District and Cr.No.13/2019 dated 5.9.2019 on the file of CCB, Salem City P.S., within a reasonable time.”

2.The case of the petitioner is that the petitioner’s father by name Rajagopal was serving as Assistant in the Commercial Taxes Department at Hosur and died while he was in service. The petitioner, a B.Com graduate was appointed as Junior Assistant in the Department of Commercial Taxes on compassionate ground on 01.04.2010 and the petitioner’s service was



regularised in the year 2013 and the probation was declared in the year 2016.

The petitioner was thereafter promoted as Assistant (Revenue Inspector cadre) in the Commercial Taxes Department in the month of October 2019.

3. While that being so, the petitioner was falsely implicated in a criminal case registered in Crime No.247/2019 dated 03.07.2019 on the file of Pallapatti P.S, Salem City alleging that the petitioner's father-in-law by name Hari Babu @ Jahir Hussain has received money from various individuals under the pretext of securing job and that certain amounts have been paid to the petitioner also. An other criminal case also came to be registered against the petitioner's father-in-law in Crime No.13 of 2019 on the file of City Crime Branch, Salem City on 05.09.2019, in which also the petitioner has been arrayed as an accused.

4. In pursuance to the filing of the criminal complaint against the petitioner, he was arrested on 24.10.2019 and was in judicial custody for more than 15 days and thereafter released on bail. After his arrest, the Inspector of Police, Pallapatti P.S. had informed about arrest of the petitioner to the first respondent herein, who in turn, had suspended the petitioner from service by the order dated 28.11.2019 and the petitioner was served with the suspension order on 04.12.2019, when he was imprisoned at Central Prison, Salem.



5. After the petitioner's release on bail, he had approached this Court in W.P.No.18106 of 2022 challenging the order of suspension and this Court by order dated 11.02.2022 had directed the respondent to review the order of suspension. Thereafter, the petitioner was taken back for duty on 27.01.2026 and posted to serve in the office of Deputy Commissioner (ST), Karur, where he reported for duty on 29.01.2026.

6. While that being so, the petitioner was issued with a Charge Memo u/s 17(b) of the TNCS (D&A) Rules in Na.Ka.No.A3/4194/2019 dated 27/10/2025 containing as many as six(6) charges. Thereafter, the petitioner has submitted a representation dated 19.11.2025 to the respondents requesting to keep the disciplinary proceedings in abeyance, pending disposal of the criminal cases, since in both the cases, the charge memo issued and the criminal case are one and the same and arising out of the same transaction. However, the said representation is yet to be considered by the respondent. Therefore, the petitioner is before this seeking the prayer extracted above.

7. Heard the learned counsel on either side and perused the materials available on record.



8. Considering the relief now sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 19.11.2025 and to pass appropriate orders, on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

13-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

To

1. The Joint Commissioner (Sales Tax)

Erode Division,
Erode.

2. The Assistant Commissioner (Sales Tax).

Cum Enquiry officer,
O/o. Assistant Commissioner (Sales Tax)
Combined Commercial Tax Additional Building,
No.161, Meenatchi Sundaranar Road,
Erode – 638 001.



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P.T.ASHA, J.

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