IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.31309 of 2018
and
W.M.P.No.36495 of 2018

S.Noorjahan
W/o.A.Saleem ... Petitioner

vs.

1. The Principal Secretary to Government
Commercial Tax & Registration (K) Department
Fort St.George,
Chennai-600 009.

2. The Inspector General of Registration
Office of the Inspector General of Registration
100, Santhome High Road,
Mylapore, Chennai-600 004. … Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the order made in G.O.(D)No.197, Commercial Tax and Registration (K) Department dated 13.08.2018 whereby confirming the punishment made in proceedings No.29511/V1/2010-1 on the file of the Inspector General of Registration, Chennai, dated 10.07.2017 and quash the same as null and void and further direct the 2nd respondent to send the proposal to the District Registrar.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

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O R D E R

The petitioner challenges the order dated 13.08.2018 passed by the first respondent, confirming the order dated 10.07.2017 passed by the second respondent. By the order dated 10.07.2017, the second respondent imposed the punishment of withholding an increment for a period of six months, without cumulative effect.

2. The petitioner, while serving as Sub-Registrar, was issued with a charge memo, which reads as follows:

> **"CHARGE-1**
>
> You, Tmt. Noorjahan, Sub-Registrar, while working as Sub-Registrar, in the Boothapandi Sub-Registrar Office, Kanniyakumari Registration District, at the time of surprise inspection carried out by the District Inspection Cell and Vigilance and Anti-Corruption Department Officials on

27.05.2010 between 17.45 hours to 21.00 hours, you have demanded and received Rs.2,020/- from the public, who had come for registration of document and from the document writers, for you Tmt.T.Sherli Renuja, Junior Assistant and Thiru.J.Chandra Babu, Office Assistant and kept that amount in the concrete shelf in the office record was detected and seized, thereby you have acted in a manner not appropriate to a Government Employee and violated Rule 20 of the Tamil Nadu Government Servants Conduct Rules.

CHARGE-2

You, Tmt.Noorjahan, Sub-Registrar, while working as Sub-Registrar, in the Boothapandi Sub-Registrar Office, Kanniyakumari Registration District, at the time of surprise inspection carried out by the District Inspection Cell and Vigilance and Anti-Corruption Department Officials on 27.05.2010 between 17.45 hours to 21.00 hours, the Document Writers, namely, Thiru.M.Nagarajan, Thiru.M.Thamburan and Thiru.K.Kannan and their agents, were inside the office. In order to help for registration of document to the persons known to the aforesaid persons, the amount kept to be given as bribe to you Tmt.Sheirly Reenuja, Junior Assistant and Thiru.J.Chandrababu, Office Assistant, of Rs.8,200/-, Rs.3,700/- and Rs.1,500/- respectively was detected. Further, you have permitted the aforesaid document writers and their agents to be inside the office premises, thereby you have acted in a manner not appropriate to a Government Employee and violated Rule 20 of the Tamil Nadu Government Servants Conduct Rules."

3. The petitioner submitted her explanation to the show cause notice, denying the charges. Not being satisfied with the explanation, the second respondent initiated disciplinary proceedings. Upon completion of the enquiry, the Enquiry Officer submitted a report holding that the charges against the petitioner stood proved. Thereafter, the Disciplinary Authority, rejecting the further explanation submitted by the petitioner, passed the impugned order, which was subsequently confirmed by the first respondent

in appeal.

4. The arguments advanced by the learned counsel for the parties and the materials available on record have been duly considered.

5. A similar charge memo was issued to Tmt. Sheirly Reenuja, who was serving as Junior Assistant in the very same office in which the petitioner was serving as Sub-Registrar, and the said charge memo pertained to the very same incident. Tmt. Sheirly Reenuja approached this Court by filing W.P.No.33566 of 2018, challenging the order of punishment. A Coordinate Bench of this Court, by order dated 12.09.2023, set aside the order of punishment, holding that, in the absence of any demand, mere recovery of unaccounted money would not automatically lead to the conclusion that the amount constituted illegal gratification. It was further held that an explanation could always be offered as to how such an amount came to be in the possession of the charged official and that such explanation must be examined in its proper perspective and cannot be brushed aside.

6. The Coordinate Bench further held that, in the absence of evidence of demand of bribe, it would be stretching the issue too far to conclude that every amount recovered was the result of a bribe being demanded and accepted. Moreover, there was no finding as to why the petitioner, among all other staff, was singled out for issuance of the charge memo. There was no evidence from any of the witnesses examined during the enquiry to show that there was a demand for bribe by the petitioner, either individually or in her capacity as Junior Assistant. Further, there was no evidence linking the petitioner with the amount found in the concrete shelf in the record room, making it highly improbable that the petitioner alone could be held responsible for the money found therein.

7. Therefore, in the absence of any cogent evidence to establish that the petitioner had demanded a bribe or that the amount found in the concrete shelf constituted illegal gratification, and in the absence of any complaint from the public alleging demand of bribe by the petitioner, the impugned orders passed by the second respondent and confirmed by the first

respondent are not legally sustainable.

8. Accordingly, the captioned Writ Petition stands allowed. The order dated 13.08.2018 passed by the first respondent and the order dated 10.07.2017 passed by the second respondent are hereby quashed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

04.02.2026

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

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To

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HEMANT CHANDANGOUDAR, J.,

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