

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.25150 of 2014
and
M.P.Nos.1 and 2 of 2014

L.John De Britto

...Petitioner

Vs.

1. The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 5.
2. The Deputy Director (Education),
Department of Adi Dravidar Welfare,
Chepauk, Chennai - 5.
3. The District Adi Dravidar and Tribal Welfare Officer,
Villupuram District, Villupuram.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.01-2/26855/2013 dated 08.08.2014 and to quash the same and consequently direct the respondents to include the name of the petitioner in the panel for promotion to the post of High School Head Master for the panel year 2014 with all consequential benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

The charge memo issued to the petitioner is under challenge in this writ petition on the ground that even if the allegation made in the charge memo is taken in its entirety, it would not constitute a misconduct in view of the explanation submitted by the petitioner.

2.While the petitioner was working as Deputy Inspector of Schools, the first respondent issued the impugned charge memo, containing two charges. The first charge relates to the non-inclusion of the name of Tmt.M.Vasanthi, Matron for promotion to the post of Primary School Headmaster prepared as on 01.03.2012. The second charge relates to the non-inclusion of the name of Thiru.R.Raman, Tutor cum Warden for promotion to the post of Middle School Headmaster.

3.The petitioner, in his explanation to the charge memo, clearly stated that Tmt.M.Vasanthi has relinquished her promotion forthwith for the period from 2011 to 2014 and as such, there was no need to include her name. With respect to the second charge that the petitioner failed to include the name of Thiru.R.Raman, the petitioner once again stated that the said employee relinquished his promotion. It is the grievance of the petitioner that notwithstanding the explanation given by him, the first respondent kept the matter pending. The petitioner is therefore before this Court challenging the charge memo.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5.The charge memo issued to the petitioner indicates that the petitioner failed to include the names of two employees while preparing the panel for promotion to the posts of Primary School Headmaster and Middle School Headmaster. The petitioner, in his explanation, very clearly stated that those two employees have relinquished their promotion. The employee by name Tmt.M.Vasanthi relinquished her promotion to the post of Primary School Headmaster for three years from 2011-2014. Even though the name of the other employee Thiru.R.Raman was included in the panel, he relinquished his right thereafter. The petitioner has also produced documents in support of his stand taken in the explanation.

6. There is no question of quashing the charge memo at this point of time. The petitioner has already given his explanation. It is for the first respondent to decide as to whether any useful purpose would be served by proceeding further.

7. The first respondent is directed to consider the explanation submitted by the petitioner pursuant to the charge memo dated 08.08.2014 and take a decision as to whether further proceedings should be taken against the petitioner. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 5.
2. The Deputy Director (Education),
Department of Adi Dravidar Welfare,
Chepauk, Chennai - 5.
3. The District Adi Dravidar and Tribal Welfare Officer,
Villupuram District, Villupuram.

1CC to Mr.G.Sankaran, Advocate, SR 7147

1CC to Government Pleader SR 6952

KM [CO]
PSI 06.03.2015

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