

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 29113 of 2015

&

M.P. Nos. 1 to 3 of 2015

M. Manakumar

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Home (Tr.II) Department,
Secretariat,
Chennai - 600 009.

2. The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai - 600 005.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the order passed by him in Memo R.No. 58420A/A1/2006 dated 07.02.2008 and quash the same and direct the respondents to promote the petitioner to the post of Regional Transport Officer with effect from the date of promotion given to his immediate juniors with all monetary and service benefits.

For Petitioner :: Mr.R. Singgaravelan for
Mrs.M. Srividhya

For Respondents :: Mr.M.S. Ramesh,
Addl. Govt. Pleader

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O R D E R

The writ petition is filed challenging the charge memo dated 7.02.2008 issued to the petitioner on the ground that the charge memo is being pursued after a lapse of 7 years from the date of issue and 17 years from the date of incident.

2. The petitioner is working as a Motor Vehicles Inspector Grade I, Regional Transport Office, Namakkal. He had issued an Accident Inspection Report with regard to the vehicle bearing Registration No. PY-01-D-0189, produced before him on 08.01.1999, which is said to have been involved in an accident, which occurred on 03.02.1998. The petitioner, after inspection, had given a report with regard to the mechanical condition of the vehicle. However, later, it was found that the said vehicle was not at all involved in the accident and that the petitioner had issued a false report as if the vehicle was involved in the accident resulting in filing of bogus claims. In this regard, criminal proceedings were initiated in C.C. No. 8/2007 before the learned II Additional District Judge (CBI cases, Coimbatore). Even before pursuing the criminal case, the respondent Department had issued a charge memo dated 07.02.2008 stating that the petitioner, on 08.01.1999, without having physically inspected the vehicle, had issued an Accident Inspection Report and thereby violated the provisions under Section 136 of the Motor Vehicles Act, 1983 and Rule 377 of Tamil Nadu Motor Vehicles Rules, 1989. Further, it was alleged that a false inspection report was given by the petitioner. The petitioner submitted his explanation as early as on 05.09.2008 to the charge memo. Thereafter, there was no progress. In the criminal proceedings initiated, the petitioner, arrayed as A-3, was acquitted, by judgment dated 31.03.2015 and subsequent to his acquittal in the criminal proceedings, since the charges were not dropped, the petitioner submitted a detailed representation to the 2nd respondent requesting him to drop the charges, in the light of the judgment rendered by the Criminal Court. But, the 2nd respondent had issued a memo dated 11.08.2015 calling the petitioner for an enquiry. Hence, the present writ petition.

3. Heard Mr.R. Singgaravelan, learned counsel for the petitioner, who would rely upon paragraph Nos. 65 and 66 of the judgment rendered by the Criminal Court, wherein it has been admitted by P.W.11 that the petitioner herein/arrayed as 3rd accused has not committed any offence and Mr.M.S. Ramesh, learned Additional Government Pleader for the respondents.

4. In this case, the petitioner has given a representation on 09.06.2015 to drop the proceedings. However, on 11.08.2015, a memo has been issued by the 2nd respondent calling upon the petitioner to appear for an enquiry without any reference to the representation submitted by the petitioner dated 09.06.2015. Taking into consideration the pendency of the representation dated 09.06.2015 of the petitioner, based on the judgment rendered by the Criminal Court, it is appropriate to direct the 2nd respondent to consider and pass orders on the said representation of the petitioner within a period of

four weeks from the date of receipt of a copy of this order. Until such time, the enquiry, as against the petitioner, by the 2nd respondent, shall be deferred. The writ petition is disposed of with the above direction. No costs. Connected M.Ps. are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Govt.,
Home (Tr.II) Department,
Secretariat,
Chennai - 600 009.
2. The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai - 600 005.

+1cc to M/s M.Srividhya, Advocate Sr.50366

W.P. No.29113/2015

rsk[co]
srg 30.09.2015



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