

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.26382 of 2012

& M.P.No.1 of 2014

Dr.A.Amuldoss

...Petitioner

Vs

1. Thiruvalluvar University,
Rep. by its Registrar,
Serkadu, Vellore-632 115

2. The Convenor's Committee,
Rep. by its Chairman,
Thiruvalluvar University,
erkadu, Vellore-632 115.

... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari to call for the records pertaining to the impugned charge memo vide Letter/Memo No.TVU/CC/2012/170 dated 30.06.2012 issued by 2nd respondent and quash the same.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.V.Gangatharan

सत्यमेव जयते
O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Heard Mr.R.Neelakandan, the learned counsel appearing for the petitioner and Mr.V.Gangatharan, learned Standing Counsel appearing for the respondents.

3. The challenge in this writ petition is to a charge memo dated 30.06.2012 issued to the petitioner alleging certain major delinquencies.

4. The learned counsel appearing for the petitioner submitted that without any jurisdiction, the charge memo has been issued by the

second respondent and it is contrary to the provisions of Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, therefore, it is liable to be quashed.

5. In the counter affidavit filed by the first respondent-University, it has been stated that the first respondent-University has no specific statute on its own and a Statute Committee has been constituted. This counter affidavit has been filed in October 2013.

6. The learned Standing Counsel appearing for the first respondent, on instruction, submitted that the first respondent-University has separate statute and under the statute, power is given to the first respondent to initiate disciplinary action and therefore, liberty is sought for to withdraw the charge memo issued by the second respondent and to proceed against the petitioner under the provisions of the statute of the first respondent-University afresh.

7. The learned counsel appearing for the petitioner submits that since the impugned charge memo is sought to be withdrawn on the ground that it has been issued without jurisdiction by invoking a different rule when there is a special Rule framed by the first respondent-University for initiating disciplinary action against its staff members, the first respondent may be permitted to withdraw the impugned charge memo.

8. In the light of the above, as the learned Standing Counsel appearing for the first respondent-University sought liberty to withdraw the charge memo issued by the second respondent, this writ petition is disposed of giving liberty to the second respondent to withdraw the charge memo issued to the petitioner. The second respondent shall issue a fresh charge memo to the petitioner under the provisions of the statute of the first respondent-University. It is made clear that this Court has not gone into the merits of the contentions raised by the petitioner. It is open to the petitioner to challenge the fresh charge memo, that may be issued by the first respondent-University as per the provisions of the Statute of the University. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

raa

To

1. The Registrar,
Thiruvalluvar University,
Serkadu, Vellore-632 115
2. The Chairman,
Convenor's Committee,
Thiruvalluvar University,
Serkadu, Vellore-632 115.

+1cc to Mr.V.Gangatharan, Advocate sr.no.37353

+2cc to Mr.R.Neelakandan, Advocate sr.no.36792

W.P.No.26382 of 2013

jsv[col]
srg 31.07.2015



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