

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1332, 1333 and 20460 of 2015
and M.P.Nos.1+1 of 2015
and M.P.Nos.2+2 of 2015

V.Kumar

... Petitioner in all
petitions

.Vs.

1. The State of Tamilnadu
Rep by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Fort St. George,
Chennai 600 009.
 2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.
 3. Thiru.Chandrasekar
formerly Deputy Director (i/c),
O/o. Director of Adi Dravidar Welfare,
Chennai,
presently The Regional Additional Director,
Department of Adi Dravidar & Tribal Welfare,
Cuddalore District, सत्यमेव जयते
Cuddalore.
 4. The District Adi Dravidar and Tribal Welfare Officer,
Villupuram District,
Villupuram. ... Respondents in W.P.Nos.
1332 & 1333 of 2015
1. The State of Tamilnadu
Rep by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Fort St. George,
Chennai 600 009.

2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.

3. The District Adi Dravidar and Tribal Welfare Officer,
Villupuram District,
Villupuram.

... Respondents in W.P.No.
20460 of 2015

Prayer in W.P.No.1332 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned charge memo issued by the 2nd Respondent in Na.Ka.No.A1-3/12507/2014 dated 18.08.2014 and to quash the same.

Prayer in W.P.No.1333 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent in Rc.No.II-3/12507/2014-1, dated 06.05.2014, to quash the same and consequently, direct the respondents to reinstate the petitioner with all consequential and other attendant benefits.

Prayer in W.P.No.20460 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 10.11.2014 and to review the order of suspension passed against the petitioner in Rc.No.11-3/ 12507/2014-1 dated 06.05.2014 and to reinstate the petitioner into service with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran
in all Writ Petitions

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader
for R1, R2 and R4
in W.P.Nos.1332 & 1333 of 2015 and
for R1 to R3
in W.P.No.20460 of 2015

No appearance for R3
in W.P.Nos.1332 & 1333 of 2015

COMMON ORDER

W.P.No.1332 of 2015 has been filed to quash the impugned charge memo issued by the 2nd Respondent in Na.Ka.No.A1-3/12507/2014 dated 18.08.2014.

2.W.P.No.1333 of 2015 has been filed to quash the impugned proceedings issued by the 2nd respondent in Rc.No.II-3/12507/2014-1, dated 06.05.2014 and consequently, direct the respondents to reinstate the petitioner with all consequential and other attendant benefits.

3.W.P.No.20460 of 2015 has been filed seeking for a direction, directing the respondents to consider the representation submitted by the petitioner dated 10.11.2014 and to review the order of suspension passed against the petitioner in Rc.No.11-3/12507/2014-1, dated 06.05.2014.

4.Mr.S.Gunasekaran, learned Additional Government Pleader, takes notice for the respondents.

5.Assailing the correctness of the impugned charge memo issued by the 2nd respondent dated 18.08.2014, learned counsel appearing for the petitioner submitted that since the petitioner went to market to purchase vegetables at 07.00 AM on 11.04.2014 and returned to the hostel at 08.15 AM, the petitioner was not present in the hostel at 07.30 AM. By the time, the 3rd respondent visited the hostel. This has been explained properly, when the 3rd respondent questioned the petitioner for his absence. In spite of a clear and satisfactory explanation given on 11.04.2014 itself, the charge memo issued is liable to be interfered with. The 3rd respondent has got personal motive with the petitioner as the petitioner has not yielded to the pressure exerted by the 3rd respondent to part with the money asked for.

6.Ordinarily, the Court, sitting under Article 226 of the Constitution of India, cannot interfere with the issuance of charge memo, in view of the Judgment of the Hon'ble Apex Court in Union of India & another v. Kunisetty Satyanarayana reported in AIR 2007 SC 906, unless the charge memo is issued by an incompetent Authority. It is not the claim of the petitioner that the charge memo impugned herein is issued by an incompetent authority.

7.In the light of the above, W.P.No.1332 of 2015, challenging the charge memo dated 18.08.2014, is dismissed.

8.Learned counsel appearing for the petitioner further submitted that the petitioner has already given an explanation dated 08.10.2014 to the 2nd respondent, hence requests this Court to direct the respondent to complete the enquiry as expeditiously as possible.

9.Hence, considering the limited prayer made by the petitioner, without going into the merits of the matter, this Court hereby directs the 2nd respondent to complete the entire departmental proceedings within a period of four months from the date of receipt of a copy of this order.

10.In W.P.No.20460 of 2015, as the petitioner has been kept under a long period of suspension from 06.05.2014, the representation dated 10.11.2014 made by the petitioner, requesting an order to review the same, needs to be considered on merits, in the light of the order passed by the Hon'ble Apex Court in Ajaykumar Choudhary v. Union of India reported in 2015 (7) SCC 291, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, W.P.No.20460 of 2015 is disposed of.

11.In W.P.No.1333 of 2015, learned counsel appearing for the petitioner seeks permission of this Court to withdraw the petition. He has also made an endorsement to that effect.

Recording the said endorsement, W.P.No.1333 of 2015 is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Secretary to Government,
State of Tamilnadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Fort St. George,
Chennai 600 009.

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2. The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005.

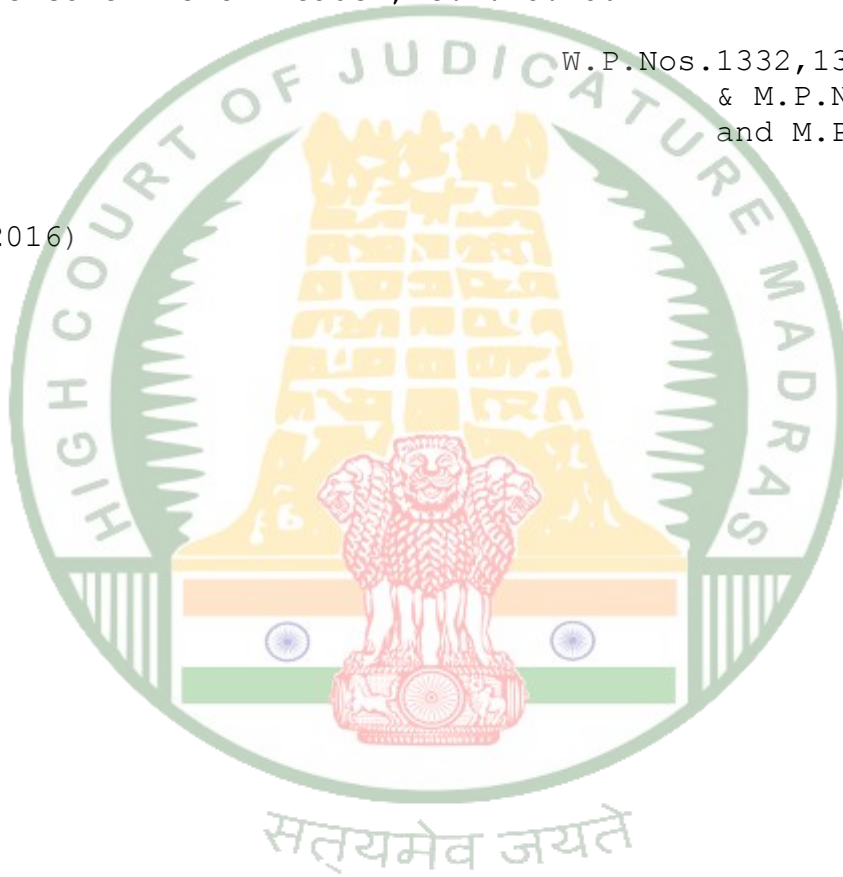
3. The District Adi Dravidar
and Tribal Welfare Officer,
Villupuram District, Villupuram.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.24837

+1cc to the Government Pleader, S.R.No.25044

W.P.Nos.1332,1333&20460/15
& M.P.Nos.1+1/2015
and M.P.Nos.2+2/15

KK(CO)
CA(06/05/2016)



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