

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.2069 of 2016
& W.M.P.Nos.1798 to 1800 of 2016, 6325 of 2016

A.Senthilnathan

.. Petitioner

Vs.

The Director General of Highways,
Chepauk, Chennai - 600 005.

.. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned charge memo issued by the respondent in Charge Memo No.35/Con.2(2)/2016-1 dated 13.01.2016 and quash the same and further direct the respondent to give opportunity to the petitioner to submit his explanation to the memo issued by the respondent dated 30.12.2015 after providing the documents requested by the petitioner in his representation dated 11.01.2016 and proceed further in accordance with law.

For Petitioner : Mr.P.Wilson, Senior Counsel
for Mr.R.Dhineshkumar

For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in connection with the impugned charge memo issued by the respondent in Charge Memo No.35/Con.2(2)/2016-1 dated 13.01.2016 and quash the same and further direct the respondent to give opportunity to the petitioner to submit his explanation to the memo issued by the respondent dated 30.12.2015 after providing the documents requested by the petitioner in his representation dated 11.01.2016 and proceed further in accordance with law.

2.The petitioner joined service as Assistant Engineer in

the year 1983. He was promoted as Assistant Divisional Engineer, on 10.07.2004 and further promoted as Divisional Engineer, on 24.02.2011. He was served as Divisional Engineer, Highways, Construction and Maintenance, Chennai City Road Division and was incharge of construction of Integrated Chief Engineers [Highways] Office building at Guindy, Chennai, costing several crores of rupees and later transferred to Trichy Division. Based on certain allegations, he was issued with a memo No.1821/Con/IV (2)/2015 dated 30.12.2015 directing him to submit a reply for certain deficiencies found in the construction of the above building within a period of seven days. According to the petitioner, he submitted his reply on 04.01.2016 requesting to furnish number of documents in order to enable him to submit a detailed reply. It is his further contention that he was allowed to peruse the documents by the proceedings of the Director General of Highways Department, Chepauk, Chennai and he requested that he may be furnished those documents but the same have not been furnished to him so far. In the meanwhile, he has been issued with a Charge Memo No.35/Con.2(2)/2016-1 dated 13.01.2016 initiating disciplinary action and charges were framed under Rule 17[b] of Tamil Nadu Civil Services [Discipline and Appeal]. The petitioner has got no other alternative except to approach this Court to quash the impugned charge memo dated 13.01.2016 and hence, the Writ Petition has been filed.

3.Mr.P.Wilson, the learned Senior counsel for the petitioner would submit that though the petitioner has sought for a larger prayer seeking to quash the impugned charge memo, since he is due to retire from service on 30.06.2016, he would be satisfied, if the respondent is directed to give an opportunity to the petitioner to submit his explanation to the memo issued by the respondent dated 30.12.2015 after providing the documents requested by him in his representation dated 11.01.2016 and appropriate orders are passed on or before 30.06.2016.

4.Mr.S.Gunasekaran, the learned Additional Government Pleader for the respondent would submit that pursuant to the request made by the petitioner dated 11.01.2016, the documents as sought for by him are handed over to the learned counsel for the petitioner and he has got no serious objection for directing the respondent to consider the explanation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner, to submit his explanation with regard to the Memo No.1821/Con./IV(2)/2015 dated 30.12.2015 within a period of seven days from today and on receipt of the

same, the respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law afresh, as expeditiously as possible, preferably, on or before 30.06.2016. However, it is made clear the respondent shall pass orders, independently, depending on the facts and circumstances of the case.

6.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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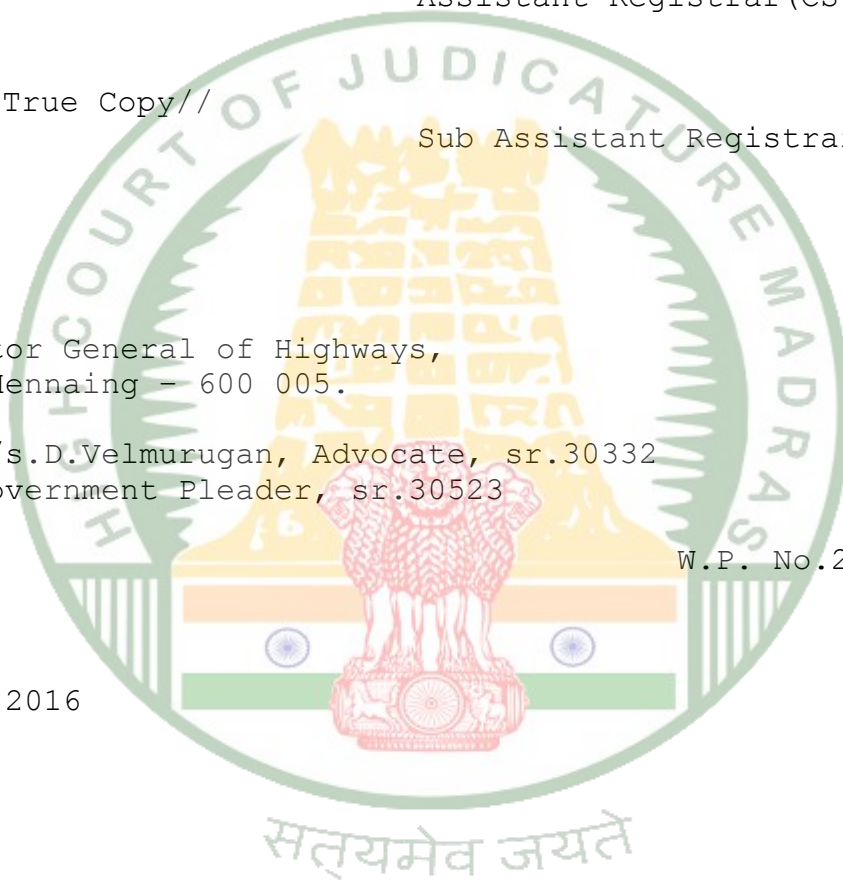
The Director General of Highways,
Chepauk, Hennaing - 600 005.

1 cc to M/s.D.Velmurugan, Advocate, sr.30332

1 cc to Government Pleader, sr.30523

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