

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.33735 of 2013

and

M.P.Nos.1 & 2 of 2013

Mrs.V.Lakshmi

.. Petitioner

Versus

1.The Government of Tamil Nadu,
Rep. by Secretary,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Registrar of Co-operative Societies
170, EVR Periyar High Road,
Kilpauk, Chennai 600 010. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in Na.Ka.No.47079/2013 TaPaKu.2 dated 28.09.2013 and quash the same and consequently direct the Respondents to include the name of the Petitioner, in accordance with her seniority in the panel drawn by the Respondent vide G.O.(2D).No.106, Co-operation Food and Consumer Protection Department dated 27.11.2013 for promotion to the post of Additional Registrar.

For Petitioner : Mr.A.Jenasenan

For Respondents: Mr.V.Selvaraj
Additional Government Pleader

O R D E R

This writ petition is filed seeking for Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in Na.Ka.No.47079/2013 TaPaKu.2 dated 28.09.2013 and quash the same and consequently direct the respondents to include the name of the Petitioner, in accordance with her seniority in the panel drawn by the Respondent vide G.O.(2D).No.106, Co-operation Food and Consumer Protection Department dated 27.11.2013 for promotion to the post of Additional Registrar.

2. Heard Mr.A.Jenasenan, learned counsel on behalf of the petitioner and Mr.V.Selvaraj, Additional Government Pleader on behalf of the respondents.

3. The facts of the case is that the petitioner had joined as an Agricultural Officer on 11.06.1986 and had been consecutively promoted as Regional Joint Registrar. She is an eligible candidate as referred to by the 2nd respondent office for further promotion to the post of Additional Registrar and her name has also been included in the panel for further promotion. While so, the 2nd respondent had issued a charge memo vide Proceedings dated 28.09.2013 in Na.Ka.No.47079 of 2013 TaPaKu-2 based on a report submitted by a special inspection team, which report has not been served on the petitioner.

4. The learned counsel for the respondent in his counter affidavit has also confirmed that the charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules have been framed on the basis of the fact finding report. There is no averment in the counter affidavit that the fact finding report was served on the petitioner prior to the decision of framing of the charges.

5. As rightly pointed out by the counsel for the petitioner that if the fact finding report was served on the petitioner before framing of charges, he could have established that he has not committed any misconduct and the framing of charges could have been averted. No prejudice would be caused to the respondents, if the report is served on the petitioner. Under such circumstances, the ends of justice would be met, if a copy of the inspection report and the fact finding report is served on the petitioner calling for an explanation as to why charges should not be framed against her?

6. Under such circumstances, the impugned charge memo dated 28.09.2013 is set aside. The respondents are directed to give a copy of the fact finding report to the petitioner calling for an explanation. It is needless to point out that on receipt of any explanation received from the petitioner and if the respondents are still of the view that charges have to be framed, it is open to the respondents to initiate appropriate action against the petitioner in accordance with law.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

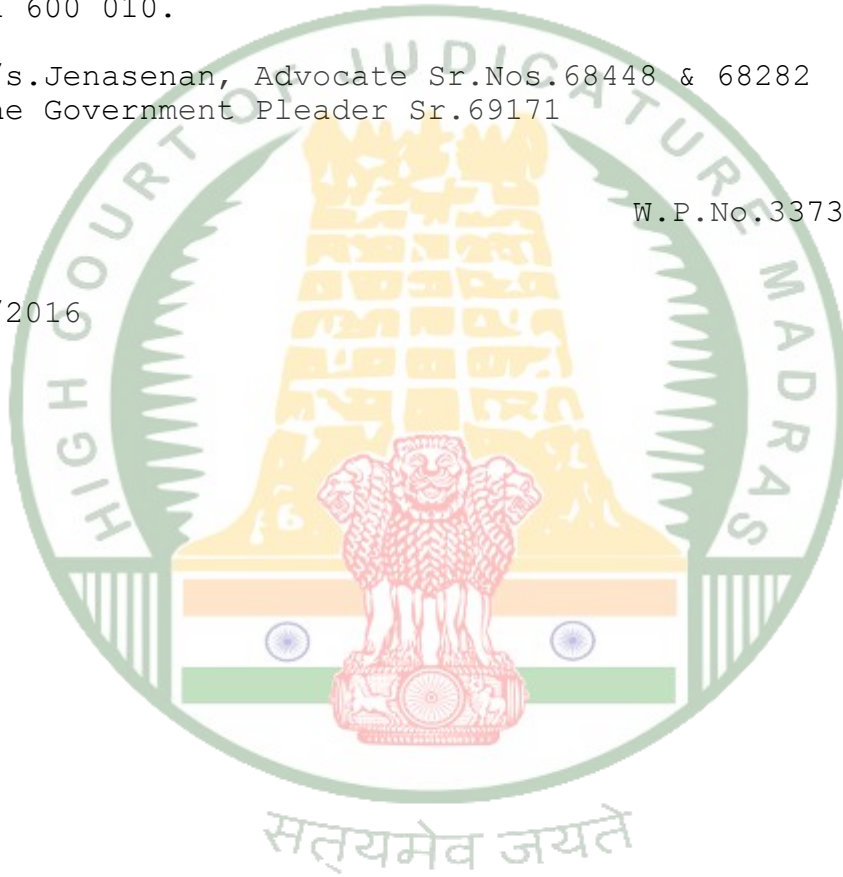
1. The Secretary,
The Government of Tamil Nadu,
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2.The Registrar of Co-operative Societies
170, EVR Periyar High Road,
Kilpauk,
Chennai 600 010.

+2cc to M/s.Jenasenan, Advocate Sr.Nos.68448 & 68282
+1cc to the Government Pleader Sr.69171

W.P.No.33735 of 2013

GMI (CO)
RVR 30/12/2016



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