

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8418 of 2016

C.Ramesh

... Petitioner

-Vs-

1. Hindustan Aeronautics Limited
Overhaul Division
Bangalore Complex
Bangalore 560 017
rep.by its General Manager
& Disciplinary Authority

2. Hindustan Aeronautics Limited
Overhaul Division
Air Force Station
Tambaram
rep.by its General Manager &
Disciplinary Authority

.... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorari, to quash the
Charge Memo issued by the first respondent dated 30.01.2016,
vide O/HR/531(a)/323/2016.

For Petitioner : Mr.R.Karthikeyan

ORDER

This writ petition has been filed challenging the correctness of the impugned charge memo dated 30.1.2016 on various grounds, predominantly citing a reason that the petitioner is suffering from chronic asthma and also undergoing treatment for IVF, which cannot be treated on par with other employees, and that when the first respondent issued the charge memo, he ought to have considered that the absence was neither wilful nor wanton, but due to unavoidable circumstances that too, on medical grounds. In this regard, the petitioner has given an explanation supported with the medical certificate obtained from Government doctors. Therefore, the respondents cannot proceed against the petitioner that he has neglected to join duty.

2. This Court finds that these are all matters to be gone into only by the disciplinary authority on receipt of the explanation which, till date, has not been submitted by the petitioner to the charge memo. Therefore, as it is well settled legal position that a charge memo cannot be challenged, for the simple reason that the charge memo is not a final order, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.7456 of 2016 is also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager & Disciplinary Authority
Hindustan Aeronautics Limited
Overhaul Division
Bangalore Complex
Bangalore 560 017
2. The General Manager & Disciplinary Authority
Hindustan Aeronautics Limited
Overhaul Division
Air Force Station
Tambaram

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.14858

W.P.No.8418 of 2016

MSM(CO)
CA(07/04/2016)

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