



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19774 of 2016

and

W.M.P (MD) Nos.14258 and 14259 of 2016

E.Vijayakumar

... Petitioner

vs.

1)The State,
Rep by the Secretary to Government,
(Revenue Department),
Secretariat,
Chennai.

2)The Commissioner of Revenue,
Administrator cum Additional Chief Secretary,
Ezhilagam,
Chennai.

3)The District Collector,
Virudhunagar,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the record on the files of the 3rd respondent pertaining to its charge memo bearing No.Na.Ka.A5/34477/2014 dated 27.02.2015 and the consequential communication of the 3rd respondent bearing No.Na.Ka.A5/34477/2014 dated 19.09.2016 and to quash the same and consequential direct the respondents to grant all monetary benefits.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This writ petition has been filed challenging the charge memo dated 27.02.2015 and the consequential communication of the 3rd respondent dated 19.09.2016 and to grant consequential benefits to the petitioner.



2.The background facts of the case are that the petitioner was working as Zonal Deputy Tahsildar, Sivakasi for the period from 22.04.2012 to 11.09.2013; during June 2013, one R.S.Mahendran applied for Residence Certificate to the Village Administrative Officer; the Village Administrative Officer and the Revenue Inspector after making spot inspection, recommended the same and based on the recommendation, Residence Certificate was issued on 12.06.2013; on objection being raised by one Rajasekaran, the matter was referred to the Tahsildar, who also filed the genuineness report saying that the certificate issued by the petitioner is genuine; based on that, on 25.12.2013, standard residence certificate was issued and in respect of this incident which took place on 12.06.2013, charges were framed against the petitioner on 28.02.2015.

3.The petitioner attained the age of superannuation on 28.02.2015; the charge memo was issued on the date of retirement, but the petitioner was permitted to retire without prejudice to the disciplinary proceedings that was challenged in W.P.No.6087 of 2015 and this Court directed the disciplinary authority to commence the disciplinary proceedings and to complete the same within a period of one month, by the order dated 21.04.2015; even this order was not complied with and therefore, challenging the charge memo dated 27.02.2015, this writ petition has been filed.

4.At the time of admission, the learned counsel for the petitioner pointed out that the enquiry has been almost completed and the enquiry report is awaited. Therefore, this Court directed the respondents to produce the enquiry report and today, the same has been produced before this Court. Perusal of the enquiry report would reveal that after enquiry, the enquiry officer has come to the conclusion that the charges framed against the petitioner are not proved.

5.The learned Special Government Pleader appearing for the respondents would submit that based on the enquiry report, it is for the concerned authority to pass further orders.

5.1.As the charges are not proved, there is no difficulty to pass orders.

6.In view of the report of the enquiry officer holding that the charges framed against the petitioner are not proved, the question of quashing the charges does not arise. The respondents are directed to pass final order positively, within a period of two weeks from today without any further delay. Consequently, all the monetary benefits should be settled to the petitioner without delay.



With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.14258 and 14259 of 2016 are closed.

WEB COPY

Sd/-
Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1)The Secretary to Government,
(Revenue Department),
Secretariat,
Chennai.

2)The Commissioner of Revenue,
Administrator cum Additional Chief Secretary,
Ezhilagam,
Chennai.

3)The District Collector,
Virudhunagar,
Virudhunagar District.

+1cc to Mr.S.C.Herold Singh, Advocate SR.No.64999

sm:DB:21/11/2016:3P/5C

W.P(MD)No.19774 of 2016
02.11.2016