

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.07.2017
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 10002 of 2017
and W.M.P.No. 11009 of 2017

M.Chinnaponnu

... Petitioner

Vs

1. The State of Tamilnadu
Rep by its Principal Secretary to
Government Energy Department,
Fort St. George,
Chennai - 600 009
2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
No.800, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Mettur Dam - 1.
4. The Deputy Financial Controller,
Mettur Electricity Distribution Circle,
Mettur Dam -1.
5. Thiru.M.Murugavel, ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records related to the show cause notice dated 27.07.2016 of the 3rd respondent vide his proceedings Ku.Aa.No.314-3/NeeP.2/Uoo.Tha.3/Koo.Thani./2016 and the consequential charge memo of 3rd respondent vide his proceedings in Ku.Aa. No.527 / NeeP.2/ Uoo.3/ Koo.o.Na No.679/2016 dated 03.11.2016 and quash the same.

For Petitioner : Mr.R.Syed Mustafa

For Respondents : Mr.C.C.Rangarajan (For R1)
Government Advocate

Mr.P.R.Dhilip Kumar (For R2 to R4)

O R D E R

In this writ petition, the show notice dated 27th July 2016 and charge memo dated 3rd November 2016 are under challenge.

2. On perusal of the show notice dated 27th July 2016, this Court is able to find out that certain allegations regarding the misconduct alleged to have been committed by the writ petitioner are narrated and seven days time has been given to the writ petitioner to submit her explanation to the allegations. Thereafter, a charge memo was issued on 3rd November 2016 by framing 3 charges against the writ petitioner. Before attending the enquiry, the writ petitioner has chosen to move this writ petition challenging the show cause notice as well as charge memo.

3. Learned counsel appearing for the writ petitioner has contended that the fifth respondent is the sole reason for all these episodes and raised malafide allegations against the 5th respondent. While going through the affidavit in this regard, this Court is able to find out that certain averments made out in this writ petition are relating to transfer of persons and whether there was any influence in respect of transfer or not is immaterial to consider the misconduct alleged to have been committed by the writ petitioner. In respect of the charges it is for the employee to deny the same and contest the proceedings before the domestic Enquiry Officer. Any enquiry initiated to be concluded by conducting proper enquiry and adjudication. The charge memo can be challenged only in exceptional circumstances, where the authority who issued the charge memo has no jurisdiction to issue the same, incompetency to issue charge memo or there is a malafide intention to issue the framed allegations against the writ petitioner. The writ petition challenging the charge memo cannot be entertained in a routine manner, more specifically by way of writ under Article 226 of the Constitution of India.

4. This Court is of the view that no such exceptions are established in this writ petition and therefore, it is for the writ petitioner to attend the enquiry, to undergo the process of enquiry and prove her innocence before the Enquiry Officer. Such being the factum of this case, the grounds raised in this writ

petition are not considered and accordingly, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

may a

To

1. The Principal Secretary to
Government
Energy Department,
Fort St. George,
Chennai - 600 009
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Mettur Dam - 1.
4. The Deputy Financial Controller,
Mettur Electricity Distribution Circle,
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+1 cc to Mr.P.R.Dhilipkumar Advocate sr 48581
+1 cc to Mr.R.Syed Mustafa Advocate sr 47954
+1 cc to the Government pleader sr 48667

W.P.No. 10002 of 2017

arv
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