

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1339 of 2017
against WP.No.1470/17
and
C.M.P.No.18508 of 2017

C.R.Ravindran

Appellant/Petitioner

Versus

1. The Secretary to Government,
School Education (Po.Nu.1) Department,
Fort St. George,
Chennai 600 009.

2. The Director of Public Libraries,
No.737/1, Anna Salai, Chennai-600 002.

Respondents/Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 19.9.2017 passed in W.P.No.14710 of 2017 on the file of this court.

WP.No.14710/17:This Writ petition filed under Article 226 of the constitution of India praying to issue a writ of Certiorarified mandamus or any other appropriate Writ or Order or direction in the nature of writ to call for the records of the 2nd respondent in connection with the impugned charge memo issued by him in R.C.No. 4229/ A3/2017 dated 19.05.2017 and to quash the same and further direct the respondents to promote the petitioner as District Library Officer on par with his Junior.

For appellant : Mr.S.Sivakumar
For respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. Pointing out certain irregularities on the part of the appellant/writ petitioner by way of violation of procedures to be followed in placing orders and purchase of books for the

libraries to the tune of Rs.7,42,000/-, a charge memo came to be issued against the appellant/writ petitioner, who is Librarian Grade-I in the Department of Public Library and the same was challenged by him before the learned Single Judge. Since the writ petition was dismissed by the learned Single Judge, the appellant is before us.

3. According to the learned counsel appearing for the appellant, even assuming that there are some irregularities on the part of the appellant, it would not attract the provisions of 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and if at all it would attract only the provisions of 17 (a) of the Rules.

4. Be that as it may, on perusal of the order passed by the learned Single, we find that while dismissing the writ petition, the learned Single Judge has observed that the writ petitioner has to prove his case only before the competent authorities in the enquiry proceedings. Since the challenge made by the appellant is only against a charge memo, we are not inclined to interfere with the order passed by the learned Single Judge.

5. However, with regard to the contention of appropriate provision for framing the charge also, it is for the appellant to submit his explanation before the authorities within a period of four weeks from the date of receipt of a copy of this judgment, and in such event, the authorities will re-consider the same in accordance with law. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,
School Education (Po.Nu.1) Department,
Fort St. George, Chennai 600 009.
2. The Director of Public Libraries,
No.737/1, Anna Salai, Chennai-600 002.

+1cc to Mr.S.Siva Kumar, Advocate SR.No.80889
+1cc to Government Pleader SR.No.81514

W.A.No.1339 of 2017

RJ(CO)
GN(30/11/2017)

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