

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21367 of 2017

and

W.M.P.Nos.22324 & 22325 of 2017

M. Manikandan

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Petitioner

Versus

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

..

Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned charge memo issued by him in PR.No.17/2017 dated 11.05.2017 and quash the same and direct the respondents to alter the Charge memo issued by the 1st respondent to the petitioner in PR.No.17/2017 dated 11.05.2017 from u/r. 17(b) of the Tamil Nadu Civil Services (D & A) Rules into one of u/r. 17(a) of the Tamil Nadu Civil Services (D & A) Rules and to proceed with the oral enquiry as such.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

WEB COPY
ORDER

The charge memo issued against the Writ petitioner in P.R.No.17/2017 dated 11.05.2017 is sought to be quashed in this Writ petition. To substantiate the relief, the learned counsel appearing for the Writ petitioner contended that instead of framing charges under Rule 17(a) of the Tamil Nadu Civil Services (D & A) Rules, the respondents have intentionally framed charges under Rule 17(b) of the Tamil Nadu Civil Services

(D & A) Rules, which is contrary guidelines issued by the Government in this regard.

2. However, the learned counsel restricted the prayer to the extent by stating that it is suffice to direct the respondents to consider the representation submitted by the Writ petitioner to the respondents in this regard. This Court at this stage cannot go into the merits and demerits of the case, and it is for the disciplinary authority to decide whether charges have to be framed either under Rule 17(a) of the Tamil Nadu Civil Services (D & A) Rules or under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules.

3. In this view of the matter, the 1st respondent is directed to consider the representation submitted by the Writ petitioner on 14.07.2017 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4. The Writ petition stands disposed of. However, no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rsi

To

1. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
2. The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai — 4.

+ 1 cc to Mr.M.Muthappan, Advocate, SR.59715
+ 1 cc to The Govt.Pleader, SR.60003

W.P.No.21367 of 2017
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KJ(CO)
NR 15/09/2017