

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 1515 of 2015
and
M.P.Nos.1 and 2 of 2015

Mr.Ettiappan

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
 2. The Additional Chief Secretary,
Commissioner of Revenue Administration
Disaster management and Mitigation Department,
'Ezhilagam', Chennai - 5.
 3. The District Collector,
Kancheepuram District,
Kancheepuram.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in connection with the impugned order passed in Ref No.Pani 2(1)/58112/2013 dated 28.05.2014 and quash the same.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Dhanajeyan
Special Government Pleader

ORDER

The relief sought for in this writ petition is, questioning the validity of the charge memo issued against the writ petitioner by the second respondent in proceedings dated 28th May 2014. On a perusal of the charge memo, this Court is able to find that the writ petitioner, who was holding the post of Revenue Divisional Officer has committed certain irregularities, in respect of grant of Patta in contravention to the rules.

2. Totally, six charges were framed against the writ

petitioner. Even before submitting his explanation, he approached this Court under Article 226 of the Constitution of India, by challenging the very charge memo itself.

3. This Court is of the firm opinion that writ petition filed challenging the charge memo can be entertained only in exceptional circumstances and not in a routine manner. Any disciplinary proceedings initiated against a public servant has to reach its logical conclusion and the employees are bound to face the disciplinary proceedings and prove their innocence during the course of enquiry. Once a charge memo is issued against an employee, the employees are bound to submit their explanation under the rules and defend the enquiry.

4. A charge memo can be challenged on the ground of jurisdiction or incompetency or on the ground of malafides. Even in the case of raising the plea of malafides, the said person has to be impleaded as a party in his personal capacity. In the absence of these grounds, no writ can be entertained challenging the charge memo. This Court cannot adjudicate the merits and demerits of the charges at this stage and it is for the writ petitioner to defend his case and prove his innocence before the enquiry to be conducted by the disciplinary authority.

5. Such being the view taken in this regard, no further adjudication on merits is to be undertaken in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

may a

To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
2. The Additional Chief Secretary,
Commissioner of Revenue Administration
Disaster management and Mitigation Department,
'Ezhilagam', Chennai - 5.

3. The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.53058
+1cc to the Government Pleader, S.R.No.53492

W.P.No. 1515 of 2015

AR(CS IV)
CS/21/08/17



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