

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3506 of 2014

B.Tamilarasi

... Petitioner

vs.

The District Collector,
Cuddalore District,
Cuddalore 607 001

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to issue final orders on the enquiry report of Enquiry Officer who has held enquiry on 20.02.2012 on original charges dated 20.10.2010, without reference to 2nd charge memo dated 26.04.2013

For Petitioner : Mr.V.Sudhakar for M/s T.Hemalatha

For Respondent : Mr.K.Thangapandi
Learned Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to issue final order on the disciplinary proceedings initiated against the writ petitioner based on the charge memo dated 20.10.2010.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as steno typist on 08.06.1981 and on account of certain allegations, she was placed under suspension. The charge memo was issued in proceedings dated 20.10.2010 and thereafter an enquiry was conducted. The writ petitioner participated in the process of enquiry and the Enquiry Officer submitted his report and it is pertinent to note that, without passing any final order with regard to the impugned charge memo, based on the enquiry report and the materials available on record, the respondent has issued another charge memo on the same set of

charges in proceedings dated 26.04.2013.

3. This Court is of the view that once a charge memo has been issued and enquiry has been conducted in accordance with the rules, very same allegations cannot be framed by way of another charge memo and in the event of not accepting the enquiry report, the disciplinary authorities are at liberty to deviate the findings of the enquiry proceedings, by giving an opportunity to the delinquent in accordance with rules.

4. Contrarily, the disciplinary Authority cannot issue another charge memo on the same set of allegations. Thus, this Court is of the opinion that accepting the enquiry report or deviating the findings of the enquiry report is the provocative of the disciplinary authority and in the event of deviation, an appropriate reason and notice of opportunity to be provided to the delinquent officials. Thus, in view of the matter, it is appropriate to direct the respondent to pass final order in the proceedings based on the enquiry report and with all the materials available on record by giving an opportunity to submit the objections on the enquiry report to the writ petitioner.

5. In view of the matter, the respondent is directed to follow the procedures contemplated under the rules and pass final order in the proceedings initiated against the writ petitioner in the charge memo dated 20.10.2010 within a period eight (08) weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to co-operate for the disposal of the disciplinary proceedings, in accordance with law. Accordingly, the Writ Petition stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To:

The District Collector,
Cuddalore District,
Cuddalore 607 001

+1 cc to M/s.T.hemalatha Advocate sr 74194

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