

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2017

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

W.P.No.14710 of 2017
and W.M.P.No.15941 of 2017

C.R. Ravindran

.. Petitioner

vs

1.The Secretary to Government,
School Education (Po.Nu.1) Department,
Fort St. George,
Chennai-09.

2.The Director of Public Libraries(Addl. Char),
No.737/1, Anna Salai,
Chennai-02.

.. Respondents

Prayer: 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 Petitioner : Mr. S. Sivakumar

For Respondents : Mr. M. Perumal
Government Advocate

ORDER

The charge memo dated 19.05.2017 issued by the second respondent against the writ petitioner is under challenge in this writ petition.

2. The writ petitioner is holding the post of Librarian Grade-I in the department of Public Library. On account of certain allegations, a charge memo was issued against the writ petitioner in proceedings dated 19.05.2017 and the charges are extracted hereunder:

"Statement of allegations namely imputation of misconduct or misbehaviour in support of the charge framed against Thiru.C.R.Ravindran, Librarian Grade I Local Library Authority, Madurai, formerly District Library Officer, incharge of Madurai and Theni District.

That the said Thiru.C.R. Ravindran, Librarian Grade I Local Library Authority, Madurai, formerly District Library Officer(I/c), Madurai while working as incharge of Theni District during the year 2015-2016 had done procedural violation by neglecting the purchase procedures and purchased books to 20 libraries for Rs.7,42,000/- in Theni District in the fund of Member of Parliament. Theni Constituency from M/s. Eluthu pathipagam, 32A, Christian

Street 2nd Floor, Thuvarankuruchi, Trichy District Company without issuing any purchase order and without cancelling the purchase order already issued to the M/s. Star Law Books, Madurai.”

3. On perusal of allegations, this Court is of the opinion that there are certain irregularities allegedly committed by the writ petitioner in relation to the purchase of books for public libraries and there was a financial loss. However, it is left open to the writ petitioner to submit his explanations/objections to the charges and to prove his innocence in the enquiry proceedings. This Court, in this writ petition cannot consider the innocence pleaded by the writ petitioner or go into the merits and the demerits of the allegations set out in the charge memo, impugned in this writ petition.

4. Intermittent intervention in departmental disciplinary proceedings are certainly not preferable and Court must be cautious in exercise of judicial review, more specifically in the case of charge memo. The charge memo can be challenged if the same is issued by an incompetent authority having no jurisdiction or allegations of malafides are raised or any charge memo issued in violation of statutory rules. Even, in the case of raising allegation of malafide the

authority against whom such allegation is raised has to be impleaded as a party in the writ proceedings in his personal capacity. In the absence of any one of these grounds, no writ can be entertained in a routine manner in the departmental disciplinary proceedings initiated against the Government employee and it has to be allowed to continue to reach its logical conclusion.

5. Thus, this Court is of the firm view that the charge memo cannot be challenged in routine manner and it is for the Competent Authority to consider the facts and circumstances of the case based on the enquiry proceedings and take a final decision in this regard, as per rules and after giving opportunity to the writ petitioner.

6. On perusal of the affidavit in support of the writ petition, this Court is of the opinion that the writ petitioner has taken effort to take the matter on merits by pleading innocence of allegation. Contrarily, the writ petitioner should prove the same before the Competent Authorities in the enquiry proceedings.

7. In this view of the matter, no further adjudication on merits needs to be undertaken on the grounds raised in this writ

petition. Accordingly, the writ petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. However, there shall be no order as to costs.

19.09.2017

Index:Yes/No

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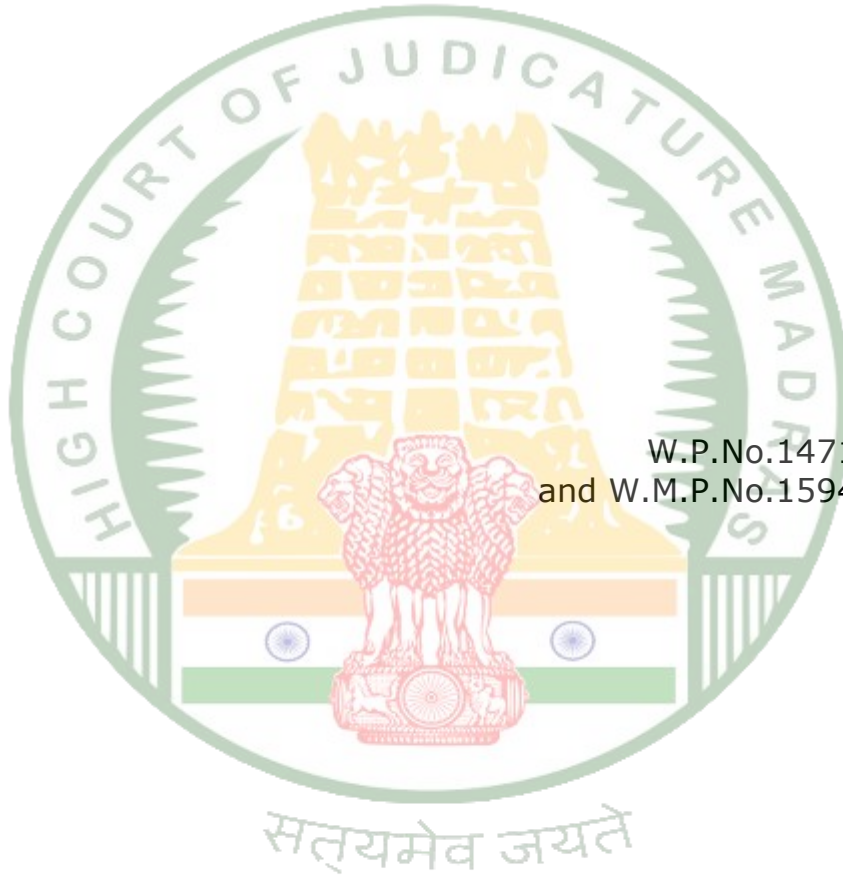
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S.M. SUBRAMANIAM,J.

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