

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4804 of 2012

V.Ganesh

... Petitioner

Vs.

1. The Collector,
Office of the Collectorate,
Coimbatore.

2. The Commissioner of Rural Development and
Panchayat Raj, Saidapet,
Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to dispose of the appeal dated 15.04.2011 pertaining to the charge memo dated 12.07.2009 in ROC. No.3521/2009/T3, within a time frame.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.K.Thangapandi
Government Advocate

O R D E R

The charge memo dated 12.07.2009 is under challenge in this writ petition. The charges against the writ petitioner are as follows:

Charge No.I:

That the said Thiru.V.Ganesh, Accountant (JVVT), Thondamuthur is always under the influence of liquor while attending office and subvert discipline in the office.

Charge No.II:

That Thiru.V.Ganesh, Accountant (JVVT), Thondamuthur has been negligent in the discharge of official duties and has failed to discharge his duties properly.

Charge No.III:

That Thiru.V.Ganesh, Accountant (JVVT), Thondamuthur has violated the provisions contained in Rule 21 of the Tamilnadu Government servant Conduct Rules.

2.On a perusal of the charges, it is clear that the allegations are serious in nature and instead of submitting his explanations/objections and defending the enquiry proceedings, the writ petitioner has chosen to challenge the

very charge memo on merits. This Court cannot go into the merits and demerits of the allegations made in the charge memo at this stage and it is for the writ petitioner to defend the case before the enquiry proceedings in accordance with the Rules.

3.However, the learned Government Advocate appearing on behalf of the respondents relying on the counter affidavit filed by the first respondent made a submission that the domestic enquiry had been conducted and the Enquiry Officer has also submitted his report and the report of the Enquiry Officer was also communicated to the writ petitioner.

4.This being the factum of the case, the other grounds raised in this writ petition need not be considered at this point of time and the respondents are directed to conclude the disciplinary proceedings and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

4.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

// True Copy//

Sub Assistant Registrar

msm

To

1. The Collector,
Office of the Collectorate,
Coimbatore.
2. The Commissioner of Rural Development and
Panchayat raj, Saidapet,
Chennai.

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GMI (CO)
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