

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

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

W.P.No.39249 of 2015
and MP.No.1 of 2015

B.Ramesh

... Petitioner

Vs

1. State of Tamil Nadu rep.
by its Secretary to Government
(Department of Agriculture)
Fort St.George, Chennai - 600 009.
2. Director of Agriculture
Chepauk, Chennai - 600 005.
3. Addl.Director of Agriculture
(Personnel Management)
Chepauk, Chennai - 600 005.
4. Joint Director of Agriculture
Lawley Road,
Coimbatore - 641 013.
5. M.Mahalingam (Ret.Employee -Agri.Dept.)
6. Inspector
Cyber Crime Cell
Coimbatore City Police
Coimbatore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned charge memo issued in ref.No.DCS17(1)/39874/2015-1, dated 03.08.2015 by the 3rd respondent and quash the same.

For Petitioner : Mr.V.Chokalingham

For Respondents : Mr.S.Guna Sekaran
Additional Government Pleader
For R1 to 4 & 6
No appearance For R5

O R D E R

The charge memo issued by the third respondent in proceedings dated 3.8.2015 is under challenge in this writ petition.

2. The charge framed against the petitioner relate to certain crimes alleged to have been committed by the writ petitioner and it is stated in the charge memo that a criminal case was registered in Crime No.12 of 2014 under Section 419 IPC and Section 66 D of the Information Technology Act, 2000. Thus, the allegations relate to the Cyber Crimes and the writ petitioner has been arrayed as an accused in the criminal case.

3. On a perusal of the nature of the allegations set out in the charge memo, it is seen that the computer available in the Government office has been misused by the writ petitioner along with some other staff. In this regard, a criminal case was registered by Cyber Crime Cell, Coimbatore. Thus, this Court is of the view that the nature of allegations are certainly serious in nature.

4. The charge memo is challenged broadly on the ground that the writ petitioner is no way connected with the allegations set out in the charge memo. Such a general statement pleaded in the writ petition, cannot be accepted by this Court for challenging the charge memo. The charge memo can be challenged on the limited grounds under exceptional circumstances. This Court cannot exercise the powers of judicial review on the charge memo and the same can be entertained only in the event of establishing that the charge memo was issued by an incompetent authority having no jurisdiction or if there is any malafide in the allegations raised. Even in the case of raising the grounds of malafides, the authority against whom such an allegation is set out, has to be impleaded as a party to the writ proceedings in his personal capacity. No such legal grounds are available in the writ petition and therefore, this Court is not inclined to consider the merits of the allegations set out in the writ petition.

5. Under the above circumstances, it is for the writ petitioner to submit his explanation/objections before the competent authority and prove his innocence in the enquiry proceedings. Intermittent intervention cannot be exercised, more specifically in the case of the charge memo and the power of judicial review cannot be exercised in a routine manner, when the charge memo is under challenge in the writ petition.

6. This Court is of the view that no further adjudication is required on the grounds raised in this writ petition.

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ms

To

- 1 The Secretary to Government
(Department of Agriculture)
Fort St.George, Chennai - 600 009.
2. The Director of Agriculture
Chepauk, Chennai - 600 005.
3. The Additional Director of Agriculture
(Personnel Management)
Chepauk, Chennai - 600 005.
4. The Joint Director of Agriculture
Lawley Road,
Coimbatore - 641 013.
5. The Inspector
Cyber Crime Cell
Coimbatore City Police
Coimbatore.

+lcc to Mr.V.Chukalingam, Advocate Sr. 67094

+lcc to the Government Pleader, Sr. 67710

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SSI (CO)
VR(13/10/2017)