

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.22975 of 2016
and
W.M.P.No.19692 of 2016

V.Baskaran

...Petitioner

Vs.

The Treasury Officer
District Treasury Office
Coimbatore
Coimbatore District.

....Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the charge memo issued by the respondent in No.11732/2010/A3 dated 29.04.2016 along with impugned order of the respondent passed in R.C.No.11732/2010/A3 dated 02.06.2016 and quash the same.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The Charge memo in proceeding No.11732/2010/A3 dated 29.04.2016 and enquiry notice No. No.11732/2010/A3 dated 02.06.2016, are under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner strenuously contended that the entire allegations are relating to the family affair of the writ petitioner and at the instance

of the wife of the writ petitioner, criminal case was registered and subsequently the charge sheet was quashed by the Madurai Bench of Madras High Court. Thus, the departmental proceedings against the writ petitioner under the provisions of Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were framed vide No.11732/2010/A3 dated 29.04.2016.

3. A public servant is enjoying a status by virtue of his position as a Government employee. A public servant has to maintain discipline and good conduct both inside the office and outside. If a public servant committing mis-conduct or offence even outside the office, after office hours has to be considered as a mis-conduct or in-discipline under the provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

4. Thus, the arguments advanced by the learned counsel for the petitioner states that the allegations in the nature of family affairs, cannot be accepted and even in relation to the family affairs, if a criminal case was registered and the Government employee kept under the judicial custody for more than 48 hours, then the Departmental authorities are bound to initiate action against such Government employee under the Discipline & Appeal Rules.

5. However, the learned counsel appearing for the writ petitioner brought to the notice of this Court that the wife of the writ petitioner compromised and now they are living together. This apart, the criminal charge sheet registered against the petitioner was also quashed.

6. In these circumstances it is left open to the writ petitioner to submit his explanation/objections/documents relating to the allegations, before the enquiry officer and prove his innocence before the enquiry proceedings. Further this Court is not inclined to go into the merits and de-merits of the allegations set out in the charge memo impugned. In this view of the matter, no further adjudication is required on the grounds raised in this writ petition. It is needless to state that the respondent has to consider all the documents/explanation/objections to be submitted by the writ petitioner in respect of allegations set out in the charge memo impugned.

7. Accordingly, writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jer

To

The Treasury Officer
District Treasury Office
Coimbatore
Coimbatore District.

+1cc to Mr.M.Thamizhavel, Advocate, S.R.No. 66967

+1cc to the Government Pleader, S.R.No.67738

Writ Petition No.22975 of 2016 &
W.M.P.No.19692 of 2016

SJ(CO)
PSI (28/10/2017)

सत्यमेव जयते

WEB COPY