



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.03.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

**W.P. (MD) .No.15898 of 2015
and
W.M.P. (MD) Nos. 1 and 2 of 2015**

S.Balu

... Petitioner

Vs.

1.The Commissioner of labour,
D.M.S.Complex,
Teynampettai,
Chennai-600 006.

2.The Joint Commissioner of Labour,
Tamil Nadu Housing Board, (1st Floor),
Ellis Nagar,
Madurai-625 016.

3.The Deputy Commissioner of Labour,
106.Trivandram Road,
Palayamkottai,
Tirunelveli- 627 002.

4.The Inspector of Labour,
106.Trivandram Road,
Palayamkottai,
Tirunelveli- 627 002.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the Charge Memo Na.Ka.No.A/6941/2014, dated 26.02.2015 and Revised Charge Memo Na.Ka.No.A/6941/2014, dated 24.07.2015 issued by the 4th respondent and quash the same and consequently direct the respondents to include the name of the petitioner in the panel Deputy Inspectors of Labour fit for promotion to the post of Labour Officer, being prepared in pursuance of the Memorandum No.E2/38690/2014, dated 27.01.2015 of the 1st respondent, based on the 'No Adverse remarks' report and 'recommendation' given by the 4th respondent on 25.02.2015, i.e. prior to the issue of Charge Memo and to promote the petitioner to the post of Labour officer with all service and monetary benefits.

For Petitioner

For Respondents

: Mr.A.Thirumurthy

: Mr.J.Gunaseelan Muthiah

Government Advocate

**O R D E R**

This Writ Petition is filed challenging the Charge Memo dated 24.07.2015.

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2.The contention of the petitioner is that on the same set of allegations earlier, a charge memo was issued by the fourth respondent on 26.02.2015. A reading of the charge memo, dated 24.07.2015, which is impugned in the present Writ Petition, shows that the charge is amended and the present charge memo is in continuation of the charge memo which was previously given to the petitioner.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.Since the previous charge memo is substituted by the modified / amended charge memo, which is impugned in the present Writ Petition, the same cannot be treated as a second Charge Memo on the same cause of action, as contented by the learned counsel for the petitioner. There is no substance or merit in the Writ Petition and the same is liable to be dismissed.

5.In the result, this Writ Petition is dismissed. No costs. However, it is open to the petitioner to submit his explanation and defend the departmental proceedings in the manner known to law. Consequently, connected Miscellaneous Petitions No.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar (CS-II)

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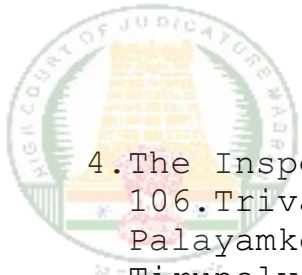
Sub Assistant Registrar

To

1.The Commissioner of labour,
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2.The Joint Commissioner of Labour,
Tamil Nadu Housing Board, (1st Floor),
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Madurai-625 016.

3.The Deputy Commissioner of Labour,
106 Coimbatore Road,
Palayamkottai,
Tirunelveli- 627 002.



4.The Inspector of Labour,
106.Trivandram Road,
Palayamkottai,
Tirunelveli- 627 002.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 16209

+1 CC to M/s.VICTORY ASSOCIATES, Advocate, SR No. 16418

CMR/GSP

PSM/MR/SAR2/28.03.2017/3P/7C

W.P. (MD) .No.15898 of 2015
20.03.2017