



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.4409 of 2017 and
W.M.P.(MD)No.3540 of 2017

M.Jayanthi

..Petitioner

Vs.

1. The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
No.2, Walajah Road,
Chennai - 600 002.

2. The Tourist Officer,
Madurai District Tourist Office,
West Veli Street, Madurai 625 001.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned memo, dated 20.02.2017, issued by the second respondent herein and quash the same as illegal, arbitrary and contrary to the principles of natural Justice.

For Petitioner

: Mr.Y.Krishnan

For Respondents

: Mr.C.Selvaraj,
Special Government Pleader.

O R D E R

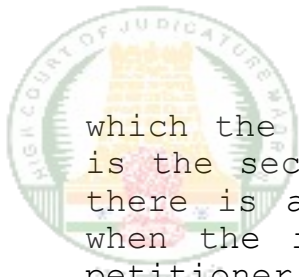
This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned memo, dated 20.02.2017, issued by the second respondent herein and quash the same as illegal, arbitrary and contrary to the principles of natural Justice.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

4. This Writ petition is only to quash the Charge Memo, dated 20.02.2017 issued by the second respondent. The two grounds on



which the Writ petition is filed are that the Charge Memo impugned is the second Charge Memo and hence it is not sustainable and that there is a pre-conceived notion or determination even at the time when the impugned charge memo was issued. It is the case of the petitioner that the second respondent has issued the impugned Charge memo with a pre-conceived and closed mind and hence, it is not sustainable.

5. The impugned Charge Memo refers to an incident, dated 01.07.2016, pursuant to which a criminal case has been registered in Madurai City C-1 Thideer Nagar Police Station. After referring to the incident, since the incident lead to the filing of the criminal complaint as against the Government servant and the incident has taken place in the office premises of the second respondent, the charge memo has been issued against the petitioner showing that the conduct is inappropriate and contrary to the Government Servant Conduct Rules. Hence, the Disciplinary Authority proposed to initiate action under Rule 17(A) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Earlier, a show cause notice was issued to the petitioner seeking her explanation. Since the Disciplinary Authority has decided that charges can be framed against the petitioner for initiating disciplinary proceedings under Rule 17(A) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, subsequently, the Charge Memo has been issued. Hence, the impugned charge memo cannot be considered as the second charge memo for the same misconduct.

6. The second submission has no merits, as the impugned Charge Memo does not reveal any pre-determination or closed mind. The charge against the delinquent must be clear and hence it was only in that context, the incident, dated 01.07.2016 has been referred to in the charge sheet. In such circumstances, I find no merits in the Writ petition. Hence, the Writ petition is dismissed. There is no order as to costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner of Tourism,
Tamil Nadu Tourism Complex, No.2, Walajah Road,
Chennai - 600 002.
 2. The Tourist Officer, Madurai District Tourist Office,
West Veli Street, Madurai 625 001.
- +1 cc to Special Government Pleader, Sr no.15525

pmu

MAS/RR:03.04.2017:2P-4C

ORDER MADE IN
W.P. (MD) .No.4409 of 2017 and
W.M.P. (MD) No.3540 of 2017
16.03.2017