

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.04.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) .No.5979 of 2017**

N.Chandramohan

.. Petitioner

Vs.

1.The Managing Director,
Head Office,
Tamil Nadu Adi Dravidar Housing & Development Corporation,
31, Senatop Road,
2nd Lane, Teynampet,
Chennai - 600 018.

2.The Executive Engineer,
Tamil Nadu Adi Dravidar Housing & Development Corporation,
Palayamkottai,
Tirunelveli - 627 002.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Ka.No.A2/2284/2016 and quash the same and direct the 1st respondent to release the withheld retirement benefits of Rs.1,19,821/-.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

This writ petition is filed challenging the disciplinary proceedings commenced by the respondent by issuance of the charge memo, dated 23.06.2016.

2. The case of the petitioner is that while he was working as Executive Engineer, Tamil Nadu Adi Dravidar Housing and Development Corporation at Villipuram and due to retire from service on 31.05.2016. However, he was not permitted to retire. Subsequently, an order of suspension was passed on 31.05.2016 and a charge memo dated 23.06.2016 was issued to the petitioner alleging that the petitioner has paid a sum of Rs.1,19,821/-



directly to the contractor and thereby caused loss to the organisation. In this regard, the petitioner himself admitted that he is liable for a lesser amount and that he is prepared to settle. Further, the petitioner also submitted series of representations to the respondent stating that the proceedings against the petitioner should be dropped as he is not guilty of the charges.

3. It is pertinent to point out, as stated earlier, in his reply dated 30.07.2016, the petitioner has admitted his liability to the tune of Rs.11,982/-. However, the petitioner has now filed the present writ petition challenging the charge memo and disciplinary proceedings only on the ground that the allegation against him that he had illegally released the payment of Rs.1,19,821/- is not in violation of the principles of Tripartite agreement, dated 07.05.2010, ignoring the fact that alleged payment was made prior to the Tripartite agreement, dated 07.05.2010. The petitioner has not taken such stand even in his reply.

4. Despite the fact that the charge memo is issued on 23.06.2016, the petitioner has filed the present writ petition only after 9 months. The petitioner's probable explanation for the delay in approaching this Court is only on the basis of the representations, which he has been making to the respondents.

5. *Prima facie* the petitioner is guilty of some irregularity, which is in violation of the norms. This has been admitted by the petitioner even in his reply, dated 30.07.2016 to the charge memo. Under such circumstances, it is not open to the petitioner to challenge the charge memo and the disciplinary proceedings as without jurisdiction or not in accordance with law. Therefore, the writ petition is dismissed. However, liberty is given to the petitioner to raise all the points before the officer/authority concerned. No costs.

Sd/-

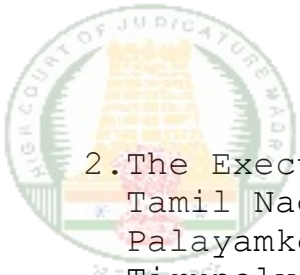
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Head Office,
Tamil Nadu Adi Dravidar Housing & Development Corporation,
Bd. Secord Street, 2nd Lane, Teynampet,
Chennai - 600 018.



2.The Executive Engineer,
Tamil Nadu Adi Dravidar Housing & Development Corporation,
Palayamkottai,
Tirunelveli - 627 002.

WEB COPY

+1cc to Mr.S.I.Muthiah, Advocate Sr.No.51122

JIKR

VB/SV/MMS/SAR2/13.042017/3P/4C

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