



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 05.07.2017

Pronounced on : 20.07.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.20589 of 2016

and

W.M.P. (MD) Nos.14728 and 14729 of 2016

R.Amaravathi

... Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
Chennai - 104.
- 2.The Principal District Judge,
Tiruchirappalli,
Tiruchirappalli District.
- 3.The Judicial Magistrate,
Manapparai,
Tiruchirappalli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned charge memos dated 02.03.2015 on the file of the respondent No.3 and quash the same as illegal and consequently to direct the respondents to declare the completion of probation in the post of Steno Typist with effect from 14.06.2009 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Aravindan

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed questioning the charge memo dated 02 March 2015 issued by the Judicial Magistrate, Manapparai.



2.The petitioner was recruited by TNPSC in the year 2006 to the post of Steno Typist Grade III in the Judicial Department in Tamil Nadu Judicial Ministerial Service and allotted to the Office of the Principal District Judge, Tiruchirappalli.

3.According to the petitioner, the Judicial Magistrate, Manapparai developed enmity towards her and as a result of ill will, issued the impugned charge memo.

4.The principal contention is that the third respondent herein is incompetent to issue the impugned charge memo. The other ground of attack is that the issuance is vitiated by delay.

5.The first contention that the charge memo is lacking in jurisdiction is not correct. The Judicial Magistrate, Manapparai is the immediate superior officer and therefore, he is very much competent to issue the impugned charge memo. It is seen that the charges have been framed under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Therefore, it is not open to the third respondent to appoint an enquiry officer or pass any order of punishment. It is for the second respondent to consider the explanation given by the petitioner and thereafter to proceed in accordance with law. We note that the charge memo issued on 02 March 2015 pertains to events that happened in the year 2012.

6.We direct the second respondent to consider the explanation given by the petitioner and thereafter take a decision with regard to the appointment of enquiry officer. The disciplinary proceedings initiated against the petitioner shall be concluded within a period of six months from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Registrar General, High Court of Madras, Chennai - 104.

2.The Principal District Judge, Tiruchirappalli,
Tiruchirappalli District.

3.The Judicial Magistrate, Manapparai, Tiruchirappalli District.

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RL/4C/2P/KKR/SAR3/16/8/2017

Pre delivery order made in

W.P(MD)No.20589 of 2016

and

W.M.P. (MD) Nos.14728 and 14729 of 2016

20.07.2017