

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.2.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1026 of 2017
and
C.M.P.Nos.14430 and 14431 of 2017

P.Narayanan

..Appellant/Petitioner

Versus

- 1 The State of Tamil Nadu
rep by its Secretary to Government
Municipal Administration & Water Supply (ME-2)
Department,
Govt. of Tamil Nadu
Fort St George Secretariat Chennai-600 009
 - 2 The Director of Municipal Administration
Chepauk Chennai-600 005
 - 3 The District Collector
Tiruppur District Tiruppur
 - 4 The District Revenue Officer
Tiruppur District Tiruppur
 - 5 The Commissioner
Palladam Municipality Palladam
Tiruppur District
 - 6 The Tahsildar
Palladam Tiruppur District
- ..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.7.2017 passed in W.P.No.8707 of 2017 on the file of this court.

W.P.No.8707 of 2017:

Writ Petition is filed under Article 226 of the constitution of India, praying for the issue of a Writ of certiorari, calling for the records relating to the impugned memorandum of charges dated 22.03.2017 in Na.Ka. No. 6652/2017/C4 of the second

respondent herein and to quash the same.

For appellant : Mr.N.G.R.Prasad for
Mr.M.Gnanasekar

For respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

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

2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge dismissing the writ petition filed by the appellant seeking to quash the charge memo issued against him.

3. The appellant, being Municipal Commissioner of Mettur Municipality, was issued with a charge memo on the allegation that when he was the Municipal Commissioner of Palladam Municipality, he had initiated steps to procure private lands for forming of compost yard, at the guideline value instead of choosing of poramboke land or procuring the land for a lower price.

4. Having heard the learned counsel appearing for the parties, we find that the proposal for purchase of the land in question was, subsequently, not pursued and it appears that though the appellant herein could not succeed in the writ petition filing for quashing the charge memo, subsequently, pending the present writ appeal, which was filed during August 2017, in the disciplinary proceedings the enquiry officer had given his report dated 22.12.2017, expressing his opinion that the charges were not proved and at this stage, when the matter was taken to the Commissioner of Municipal Administration, who is the disciplinary authority, instead of accepting the same or differing with the opinion expressed by the enquiry officer, had sought for opinion from the Government Pleader by his letter dated 16.2.2018, with regard to the the opinion expressed by the enquiry officer and the consequent representation of the appellant for dropping the charges and promoting him to the post of Special Grade Municipal Commissioner.

5. Though the challenge made in this writ appeal is the order passed by the learned Single Judge declining to interfere with the charge memo which was pending by then, we cannot endorse the action taken by the Commissioner of Municipal Administration, in seeking opinion from the Government Pleader for his further course of action, when there is a firm report from the enquiry officer that the charges framed against the appellant were not proved. When once, the enquiry report is in favour of the appellant to the effect that charges were not proved, there is no question of awaiting opinion from the Government Pleader with regard to the next course of action of the disciplinary authority. Therefore, the authority concerned is directed to proceed further in accordance with law, without any further delay and consider the claim of promotion made by the appellant, if he is, otherwise, found eligible. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

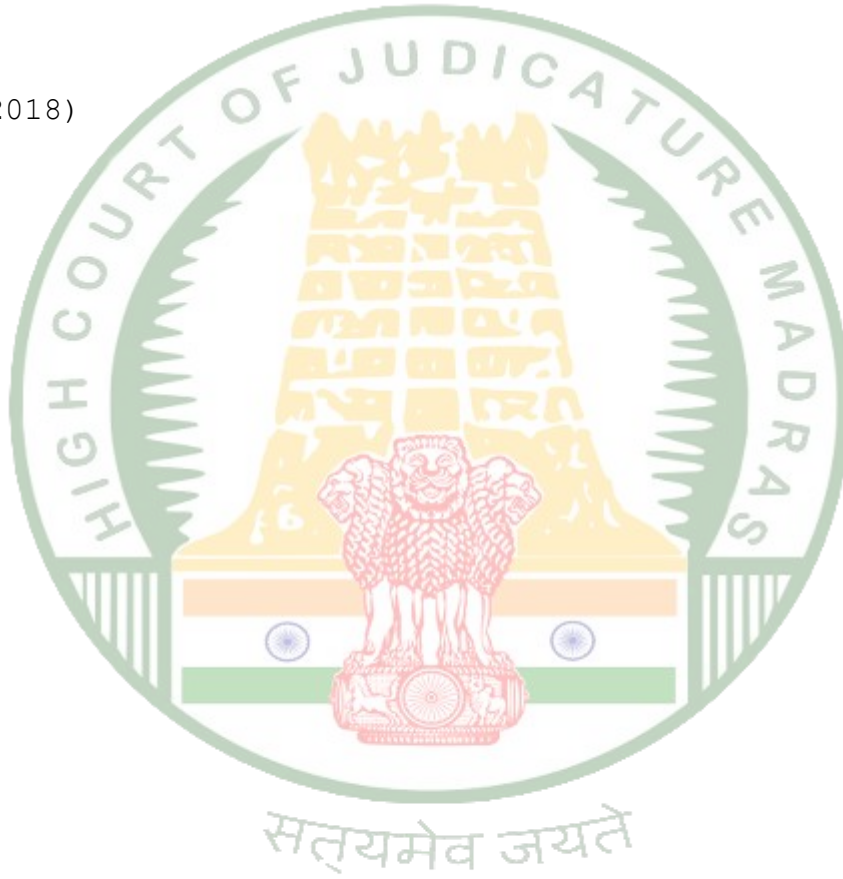
- 1 The State of Tamil Nadu
rep by its Secretary to Government
Municipal Administration & Water Supply (ME-2)
Department,
Govt. of Tamil Nadu
Fort St George Secretariat Chennai-600 009
- 2 The Director of Municipal Administration
Chepauk Chennai-600 005
- 3 The District Collector
Tiruppur District Tiruppur
- 4 The District Revenue Officer
Tiruppur District Tiruppur
- 5 The Commissioner
Palladam Municipality Palladam
Tiruppur District

6 The Tahsildar
Palladam Tiruppur District

+2 Ccs to Mr.M. Gnanasekar, Advocate sr 15174.
+1 CC to Govt. Pleader sr 10930.

W.A.No. 1026 of 2017

AD(CO)
SP(23/03/2018)



WEB COPY