

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6411 of 2018

S.Manju

.. Petitioner

-vs-

The District Collector
Villupuram

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the respondent vide proceeding No.Roc.No.A1/10067/2017 dated 2.8.2017 and to quash the same.

For Petitioner :: Mr.S.Vijayakumar

For Respondent :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition is directed against the impugned charge memo dated 2.8.2017 containing three allegations against the petitioner.

2. Learned counsel for the petitioner, attacking the validity of the charge memo, submitted that the petitioner was posted only as Revenue Inspector Kanai Firka, Villupuram Taluk on 15.9.2015 to undergo Revenue Inspector training for a period of minimum two years. When she has joined only on 15.9.2015 and served upto 23.11.2017, during this period, the Government of Tamil Nadu issued a letter Ms.No.25, Social Welfare and Nutritious Meal Programme Department dated 17.4.2015 and G.O.Ms.No.26, Social Welfare and Nutritious Meal Programme (SW6 (1) Department dated 17.4.2015 for all the poor deserving persons to get the benefit of Indira Gandhi National Old Age Pension Scheme (IGNOAPS), old age persons/Indira Gandhi National Old Age Pension Scheme (IGNWPS)/Destitute Widow Pension Scheme (DWPS)/Destitute/differently abled pension scheme (DDPS), Destitute Deserted Women Pension (DDWPS), Unmarried Women Pension Scheme (UWPS) and Chief Ministry Uzhavar Padukappu Thittam (CMUPT). The modus operandi shows that as and when the

applications are received by the Tahsildar (Social Security Scheme), the same would be forwarded for field verification through the Revenue Inspector to the concerned Village Administrative Officer. Only the said officials alone would verify the genuineness of the claim made in the application and forward a report to the Tahsildar. On receipt of the report, it will be again sent to the concerned section for scrutiny. Later on, it would be uploaded in the system. In the present case, the petitioner received numerous applications for field verification and after completing the verification of the said applications, a report was sent to the Tahsildar in charge of the Social Security Scheme through proper channel. When the petitioner had discharged her duties and responsibilities and forwarded her report through proper channel, she cannot be held responsible for the above said period. But while preparing the reply, she has come to know that some of the vital documents were not furnished to her that were also relied in the said charge memo. Therefore, she has given an interim reply and immediately within ten days, she has sent another letter on 11.9.2017 seeking the documents relied upon in the charge memo to enable the petitioner to submit a detailed explanation. But till date, no documents have been furnished. Hence the petitioner is handicapped from giving her detailed explanation.

3. Adding further, the learned counsel for the petitioner submitted that when the law is well settled by the Supreme Court in *Anant R.Kulkarni v. Y.P.Education Society and others*, AIR 2013 SC 2098 holding that when the statement of allegations are not served with the charge sheet, the enquiry stands vitiated, as having been conducted in violation of the principles of natural justice. Even if the delinquent does not take the defence or make a protest against that the charges are vague, that does not save the enquiry from being vitiated, for the reason that there must be fair-play in action, particularly in respect of an order involving adverse or penal consequences. On this count, the charge memo issued to the petitioner, without furnishing the relevant documents relied upon in the charge memo, is liable to go, he pleaded.

4. But this Court makes it clear that the ratio laid down by the Supreme Court in *Anant R.Kulkarni's* case (supra) cannot be availed of by the petitioner, because that stage has not yet come. No doubt, it is a well settled legal position that the statement of allegations are to be served with the charge sheet accompanied with the other documents relied upon in the charge memo. In the case on hand, the petitioner was issued with the charge memo dated 2.8.2017 and she has immediately given her reply on 1.9.2017. However, within ten days, she has also given another representation on 11.9.2017 stating that some of the documents relied upon in the charge memo have not been furnished

to the petitioner. Admittedly, in the present case, the respondent has not appointed the enquiry officer to proceed with the case. May be they are considering the representation dated 11.9.2017 to furnish the documents. Therefore, accepting the submission of the learned Special Government Pleader for the respondent that the petitioner will be furnished with all the documents sought for by her, this Court grants a week's time to the respondent to furnish the documents asked for in the representation dated 11.9.2017 and the petitioner is also given two weeks time thereafter to give her detailed explanation. After receipt of the said explanation as directed above, the respondent shall consider the case of the petitioner and do the needful in the manner known to law. With this observation, the writ petition stands disposed of accordingly. Consequently, W.M.P.No.7939 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Villupuram

+lcc to Mr.S.Vijayakumar, Advocate Sr.No.21210
+lcc to Government Pleader Sr.No.22864

sm:9.4.2018

W.P.No.6411 of 2018

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