

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.381 of 2018

K.Kannan

.. Petitioner

-vs-

1. The Government of Tamil Nadu  
rep.by its Secretary  
Animal Husbandry Department  
Fort St.George  
Chennai 600 009

2. The Director  
Tamil Nadu Animal Husbandry Department  
Teynampet  
Chennai 600 018

3. Mr.Sivaramakrishnan

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to forbear the second respondent in giving promotion to the third respondent, based on the petitioner's representation made to the first respondent on 21.12.2017 in person.

For Petitioner :: Mr.K.Kannan

For Respondents :: Mr.R.S.Selvam  
Government Advocate for R1 & 2

ORDER

This writ petition has been filed with all unreasonable grounds and without any basis whatsoever by the petitioner/delinquent, who has been issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules asking him to give his explanation on various charges. In view of the initiation of departmental proceeding against the petitioner, who is serving as a Driver, to wreak vengeance against the disciplinary authority for having issued

the charge memo, has wrongly come to this Court with an unreasonable prayer which itself, in my considered view, would amount to a clear misconduct under sub-rule (1) of Rule 20 of the Tamil Nadu Government Servants Conduct Rules, which states that every member of the Service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service. Sub-rule (2) of Rule 20 also states that every member of the Service shall take all possible steps to ensure integrity and devotion to duty by all Government servants for the time being under his control and authority. Similarly, sub-rule (3)(i) states that no Government servant shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior.

2. When this being the rule position, for the simple reason that the petitioner was issued with a charge memo under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, without even vindicating his stand by participating in the enquiry, after filing a writ petition before the Madurai Bench of this Court, has again chosen to come to the Principal Bench with this writ petition. In all fairness, the petitioner should have approached the Madurai Bench for pursuing his remedy. Thus the option exercised by the petitioner to come to this Court also shows that he is doing forum shopping and he is not willing to pursue the writ petition pending before the Madurai Bench. Therefore, the act of the petitioner to approach this Court seeking a direction to the respondents 1 & 2 not to give promotion to the third respondent, who has simply issued a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, clearly goes against the Rule 20 of the aforesaid Rules. Therefore, this writ petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only) payable by the petitioner to the Tamil Nadu Mediation and Conciliation Centre attached to this Court within a period of four weeks from the date of receipt of a copy of this order with a further direction to the respondents 1 & 2 to initiate appropriate disciplinary proceedings against the petitioner for showing disobedience to the disciplinary authority in accordance with law.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government  
Animal Husbandry Department  
Fort St.George  
Chennai 600 009
  2. The Director  
Tamil Nadu Animal Husbandry Department  
Teynampet  
Chennai 600 018
  3. The Director,  
Tamil Nadu Mediation and conciliation Centre,  
High Court, Madras-104
- +lcc to Mr.K.Kannan , Advocate, S.R.No.2009  
+lcc to the Government Pleader, S.R.No.1875

W.P.No.381 of 2018

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