

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Second day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP.No.12184 of 2017

in WP.No.11247 of 2017

G.VIJAY

[PETITIONER]

Vs

1 THE JOINT DIRECTOR
DEPARTMENT OF ANIMAL HUSBANDRY,
VELLORE 632 004, VELLORE DISTRICT.

[RESPONDENTS]

2 THE VETERINARY DOCTOR AND
INQUIRY OFFICER, VANIYAMBADI,
VELLORE DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Stay of all further proceedings pursuant to the impugned proceedings of the 1st respondent in R.C.No.1209/A1/2014 dated 20.02.2017 (in WMP.No.12184/2017) pending disposal of the above WP.No.11247/2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SATHIA CHANDRAN, Advocate for the petitioner and of M/S.K.RAVIKUMAR, Additional Government Pleader on behalf of the 1 & 2 respondents the court made the following order:-

Heard the petitioner in WMP.No.12184 of 2017, the petition for stay of the disciplinary proceeding initiated against him who is also petitioner in WP.No.11247 of 2017.

2. It appears that when the petitioner was serving as a Driver under the 1st respondent/Department, for the alleged misconduct of obtaining the service by producing false and fabricated certificate of mark sheet a Criminal case has been registered against him simultaneously, a disciplinary proceeding was also initiated under Section 17b of the Tamil Nadu Civil Service (Discipline and Appeal Rules) for such misconduct. The petitioner therefore challenged the initiation of the disciplinary proceedings to be contrary to law as no

charge memo was issued to him before the initiation of the disciplinary proceedings.

3. This Court, taking note of the facts and situation, while issuing notice, stayed such disciplinary proceedings by way of an interim order. Now the respondents have already appeared. It is never their case that charge memo was issued to the petitioner before enquiry, though the disciplinary proceeding is initiated under Section 17b of the aforesaid rules.

4. Considering the aforesaid fact, this Court is of the view that the petitioner appears to have made a prima facie case. In such premises, if the disciplinary proceeding is not stayed and it is allowed to be proceeded with, the petitioner is likely to suffer irreparable loss and injury. Hence the interim order granted in this case is made absolute.

5. With the aforesaid direction, the writ miscellaneous petition stands disposed of. However, it is made clear that if the criminal charges against the petitioner are proved notwithstanding the fact that the present disciplinary proceedings has been withheld, the authority may proceed against him if so desire under Section 17C of the Tamil Nadu Civil Service (Discipline and Appeal) Rules.

-sd/-

02/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE JOINT DIRECTOR
DEPARTMENT OF ANIMAL HUSBANDRY,
VELLORE 632 004, VELLORE DISTRICT.

2 THE VETERINARY DOCTOR AND
INQUIRY OFFICER, VANIYAMBADI, VELLORE DISTRICT.

C.C. to M/S.S.SATHIA CHANDRAN Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WMP.12184/2017

in

WP.11247/2017

Date :02/03/2018

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