

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2018

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.8943 of 2007
& Connected M.P.

G.Rajogopal

.... Petitioner

Vs

1. The Secretary to Government
Public Works Department,
Fort St. George,
Chennai - 9.

2.The Engineer in Chief and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 5.

3.The Special Officer,
Rehabilitation Scheme,
P.W.D.Secretariat,
Chennai 600 009.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the first respondent in letter No.21851/E1/2001-28, dated 29.12.2006 with its annexure served on the petitioner on 12.02.2007 and quash the same.

For Petitioner : Mr.D.J.Venkatesan

For Respondents : Mr.K.Ravikumar, AGP

ORDER

This writ petition has been filed challenging the charge memo dated 29.12.2006. The petitioner joined in the Public Works Department as technical assistant on 08.05.1971 and subsequently promoted as Junior Engineer and thereafter as Assistant Engineer. When the petitioner was serving in the Poigaiyar Reservoir Project, Aralvaimozhi, Kanyakumari District,

since allegations were made relating to misappropriation of Government money and criminal conspiracy in the implementation of Economic Rehabilitation Scheme relating to Poigaiyar Reservoir project, the petitioner was placed under suspension by order dated 26.06.2001.

2. The petitioner attained the age of superannuation on 30.04.2006 and was served with the impugned charge memo at the time of retirement. Petitioner was working as Assistant Engineer in Poigaiyar Reservoir Project in Kanyakumari District and on account of the same there were land acquisition proceedings. Whiles, there had been a material irregularity in implementing of Economic Rehabilitation activities under LAER Scheme relating to Poigaiyar Reservoir project and a case in Crime No.1 of 2001 had been filed against the petitioner. However, a charge memo also has been issued against the petitioner and the petitioner was placed on suspension. Since the petitioner was holding unblemished records of service, he made several representation before the authorities to revoke his suspension order. Since the representations were vain, he has filed the present writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

4. A perusal of the impugned charge memo reveals that the petitioner had been charged for misappropriation of public money and the petitioner had been given time to give his explanation either in person or in writing and the petitioner without even giving his explanation has rushed to his Court to quash the charge memo. It is settled law that a charge memo cannot be quashed in a hazy manner. Moreover, there had been a malpractice in the distribution of welfare measures to public in the land acquisition proceeding. Hence, I do not find any merit to interfere with the charge memo issued against the petitioner. Hence, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smi

To

1. The Secretary to Government
Public Works Department,
Fort St. George, Chennai - 9.

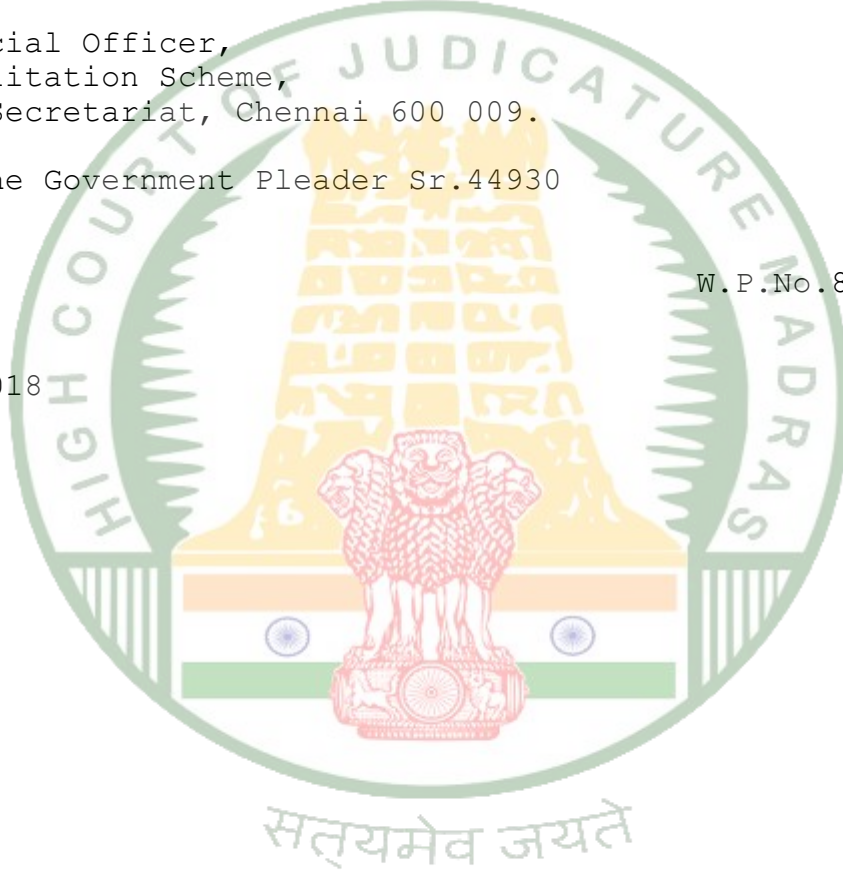
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3. The Special Officer,
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+lcc to the Government Pleader Sr.44930

W.P.No.8943 of 2007

srg 6/7/2018



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