

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.16893 of 2018
W.M.P.No.20091 of 2018

M.Manoharan

... Petitioner

Vs

- 1.The Director,
Directorate of Vigilance and Anti Corruption ,
293, MKN Salai, Alanthur,
Chennai-16.
- 2.The Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Kadampadi, Nagapattinam,
Nagapattinam District.
- 3.The District Collector,
Collectorate,
Nagapattinam,
Nagapattinam District.
- 4.The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of Disciplinary Proceedings in Na.Ka.No.26965/A.4/ dated:16.03.2013 of the 3rd respondent, which is initiated in total contravention of the direction of this Court made in W.P.No.22402/2011 by order dated 21/02/2012 and quash the same and further direct the respondents to implement the order dated 21/02/2012 made in W.P.No.22402/2011 concerning the promotions of the petitioner.

For Petitioner : M/s.D.Malarvizhi

For Respondents : Mr.V.Kadhirvelu
Spl. Govt. Pleader

O R D E R

Heard Ms.D.Malarvizhi, learned counsel for the petitioner and Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents 1 to 4.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, calling for the records of Disciplinary Proceedings in Na.Ka.No.26965/A.4/ dated:16.03.2013 of the 3rd respondent, which is initiated in total contravention of the direction of this Court made in W.P.No.22402/2011 by order dated 21/02/2012 and quash the same and further direct the respondents to implement the order dated 21/02/2012 made in W.P.No.22402/2011 concerning the promotions of the petitioner. "

3. The case of the petitioner is that a disciplinary action was initiated against the petitioner by initiating proceedings under 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 16.03.2013. The petitioner has approached this Court challenging the disciplinary action in W.P.No.11508 of 2013. When the writ petition was pending, an enquiry was conducted and final order was passed on 29.10.2014, by awarding two punishments. As against the final order passed by the disciplinary authority, an appeal was filed. Notwithstanding the filing of the appeal, the petitioner has also filed the present writ petition against very same the charge memorandum dated 16.03.2013 and from the records, it appears that all the writ petitions have been filed by the petitioner at every stage including challenge to the present charge memo dated 16.03.2013. This Court is unable to appreciate the present writ petition is maintainable challenging the charge memo dated 16.03.2013, when the disciplinary action stood concluded and final orders passed.

4. From the records, it appears that the petitioner is in the habit of approaching this Court quite often with the casual grievances and such grievances were completely borne out of misconception and the same are misconceived. The present writ petition is an abuse of process of this Court in the teeth of the fact that when the disciplinary action is concluded pursuant to the charge memo, this Court is unable to see as to how the charge memo could be challenged.

5. From the pleadings and grounds raised in the writ petition, this Court is unable to see as to how the case of the petitioner deserves for consideration. Number of facts being mentioned without any cohesion and the affidavit has been

prepared so recklessly and casually without any basis. In the said circumstances, this Court is unable to take a call as to what is the grievance of the petitioner, nevertheless, is not convinced about the benefits of the petitioner in filing the present writ petition challenging to the charge memo.

6.In the light of the above, this Court is unable to entertain the writ petition and the same is dismissed. Consequently, connected miscellaneous petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,
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- 4.The Principal Secretary/
Commissioner of Revenue Administration,
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Chennai-600 005.

+1cc to M/s.D.Malarvizhi, Advocate sr.no.44241
+1cc to Government Pleader sr.no.44952

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mg(co)
nr 06/08/2018