

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-01-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18617 of 2007

1.E.Rajendran
2.R.Manivannan
3.M.Shanmugakumar ... Petitioners

Vs.

1.Government of Tamil Nadu
Represented by Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
2.The Director of Health and Preventive Medicine,
Chennai-600 006.
3.Dr.K.Soundararajan ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent in G.O.(D) No.1244, Health and Family Welfare Department, dated 22.11.2006, quash the same in so far as it has been confined to the third respondent alone and not the petitioners herein and issue consequential directions to issue revised amendment in G.O.Ms. No.588, Health and Family Welfare Department, dated 30.6.2006, jointly deleting the names of the petitioners and the third respondent herein and to drop the Disciplinary Proceedings against the petitioners simultaneously along with the third respondent.

For Petitioners : Mr.Ali Hassan Khan for
Mr.M.Ravi.

For Respondents 1&2 : Mr.Sricharan Rengarajan,
Additional Government Pleader.

For Respondent-3 : Mr.S.Chandramouli.

O R D E R

A charge memo issued against the writ petitioners is under challenge in this writ petition.

2. The impugned G.O.(D) No.588, Health and Family Welfare (D2) Department, dated 30.6.2006 was issued under Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for the purpose of conducting a common enquiry proceedings against the writ petitioners along with other employees.

3. The Government invoked the powers conferred under Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, in order to conduct a common enquiry. The second Government Order issued in G.O.(D) No.1244, Health and Family Welfare (D2) Department, dated 22.11.2006 is an amendment issued, deleting the name of Dr.K.Soundararajan, Deputy Director of Health Services, Salem.

4. The power of the Government for conducting a common disciplinary proceedings, cannot be questioned in view of the fact that the power has been invoked in the present case in order to avoid discriminations and discrepancies. If the allegations and the incidents are similar, then it is preferable that a common enquiry proceedings are conducted. Conducting a different enquiry proceedings will create an anomaly and therefore, this Court is of the opinion that there is no infirmity in respect of the impugned order passed by the Government on 30.6.2006 for conducting a common enquiry and by invoking Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

5. It is left open to the writ petitioners to submit their explanations/ objections on the allegations in the charge memo and prove their innocence before the enquiry proceedings and the writ petition challenging the very proceedings initiating common proceedings, cannot be questioned and the writ petitioners have not established any legal grounds, so as to consider the relief as such sought for in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
Government of Tamil Nadu
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.

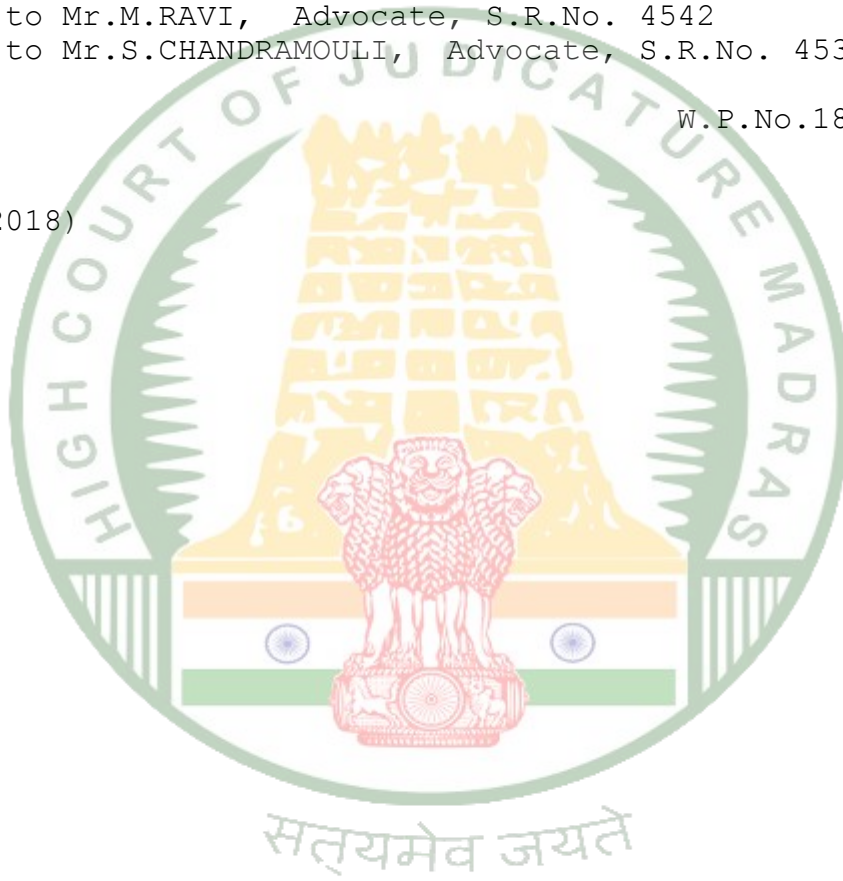
2.The Director of Health and Preventive Medicine,
Chennai-600 006.

+1cc to Mr.M.RAVI, Advocate, S.R.No. 4542

+1cc to Mr.S.CHANDRAMOULI, Advocate, S.R.No. 4536

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RJ(CO)
TR(08/02/2018)



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