

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.26108 of 2003

G.Sivaprakasam

... Petitioner

versus

1. The Managing Director,
Tamil Nadu Water Supply
and Drainage Board,
Chepauk, Chennai - 600 005.

2. S.Venkatesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of certiorarified mandamus, to call for the records connected with the charge memo No.44670/Estt/DPI/A2/2001-5 dated 08.02.2002 and the letter No.1/ES/Design/CE/NR/dated 03.09.2003 issued by the second respondent and quash the same and further direct the 1st respondent not to issue any charge memo under TWAD Board (Discipline & Appeal) Regulation of the respondent Board.

For Petitioner : Mr.G.P.Arivuchudar
For R1 : Mr.S.Eruhine Leo
For R2 : No appearance

ORDER

The writ petition has been by the petitioner seeking to call for the records relating to charge memo dated 03.09.2013 issued by the second respondent and to quash the same.

2. The learned counsel appearing for the petitioner relied upon the decision of this Court passed in W.P.No.1179 of 2009, in which, it has been held that the charge memo issued invoking the provisions of the TWAD Board Employees (Discipline and Appeal) Regulations, 1972 is not maintainable and as the petitioner is a workman, the charge memo ought to have been issued by invoking standing orders.

3. It is also fairly admitted by the learned counsel for the respondent that the charge memo could be issued only invoking the standing orders.

4. In view of the above, the charge memo issued by the respondent is liable to be quashed and the same is quashed. Accordingly, the writ petition is allowed. No costs. However, the respondent is at liberty to issue fresh charge memo invoking standing orders.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Water Supply
and Drainage Board,
Chepauk, Chennai - 600 005.

+1cc to Mr.S.Arunachalam, Advocate, S.R.No.30292

+1cc to Mr.S.Eraskine Leo, Advocate, S.R.No.31049

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GSP(07/06/2018)

सत्यमेव जयते

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