

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.30571 of 2018

R.Shahana Begum

.. Petitioner

Vs

- 1.The Government of Tamil Nadu
rep.by the Additional Chief Secretary
Finance (T&A-II) Department
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary to Government
Social Welfare and Nutritious Meal Programme
Department, Secretariat, Chennai 600 009.
- 3.The Director-cum-Mission Director
Integrated Child Development Scheme
Tharamani,
Chennai - 600 113.

... Respondents

For Petitioner : Mr.R.S.Anandan

For Respondent : Ms.Narmada Sampath,

Additional Advocate General

Assisted by Mr.R.S.Selvam, Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records relating to the first respondent herein in Government Letter No.23524/KaKa-2/2017-18 dated 17.05.2018 and quash the same and consequently direct the 2nd and 3rd respondent to confer all the benefits with due regards to the petitioner's seniority.

O R D E R

This writ petition has been filed seeking direction to quash the charge memo dated 17.05.2018 and to direct the respondents to confer all the benefits to the petitioner.

2. The brief facts leading to the filing of the writ petition is as follows. The petitioner was working as CDPO, Project-VI under the third respondent. By G.O(3D) No.19, Finance (T&A-II) Department dated 16.06.2017, it was stated that the petitioner was involved in a disciplinary case along with 14 others. The petitioner challenged the said Government Order in W.P.No.19214 of 2017, but the same was dismissed. Against the same, the petitioner preferred W.A.No.2469 of 2018. In the mean time, the first respondent issued a charge memo dated 17.05.2018, which is challenged by the petitioner in the present writ petition.

3. Learned counsel appearing for the petitioner submits that documents that are mentioned in the charge memo has not been furnished to the petitioner and not even the list of witnesses have been noted in the charge memo and, therefore, the charge memo is liable to be quashed.

4. Ms.Narmada Sampath, learned Additional Advocate General appearing for the respondents submit that the list of documents relied upon in the charge memo would be furnished to the petitioner and on technical grounds, the charge memo should not be quashed, especially when the allegations are serious and the amount involved is in crores and similarly placed persons have been placed under suspension and not been permitted to retire. It is pointed out that unless detailed enquiry is conducted, the part played by each and everyone of the 24 persons cannot be brought to light.

5. Learned counsel appearing for the petitioner submits that the petitioner is due to retire on 30.11.2018 and she should not be allowed to languish by suffering an order of suspension and in any event the respondents must complete the enquiry within a short period.

6. Under the facts and circumstances of the case, considering the nature of charges against the petitioner, the respondents are directed to furnish copies of the documents relating to the charges framed against the petitioner within a period of one week from the date of receipt of a copy of this order and to complete the enquiry within a period of two months from the date of furnishing of the documents. With the above directions, the writ petition is disposed of. No costs. Consequently, connected W.M.P.No.35657 of 2018 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kst

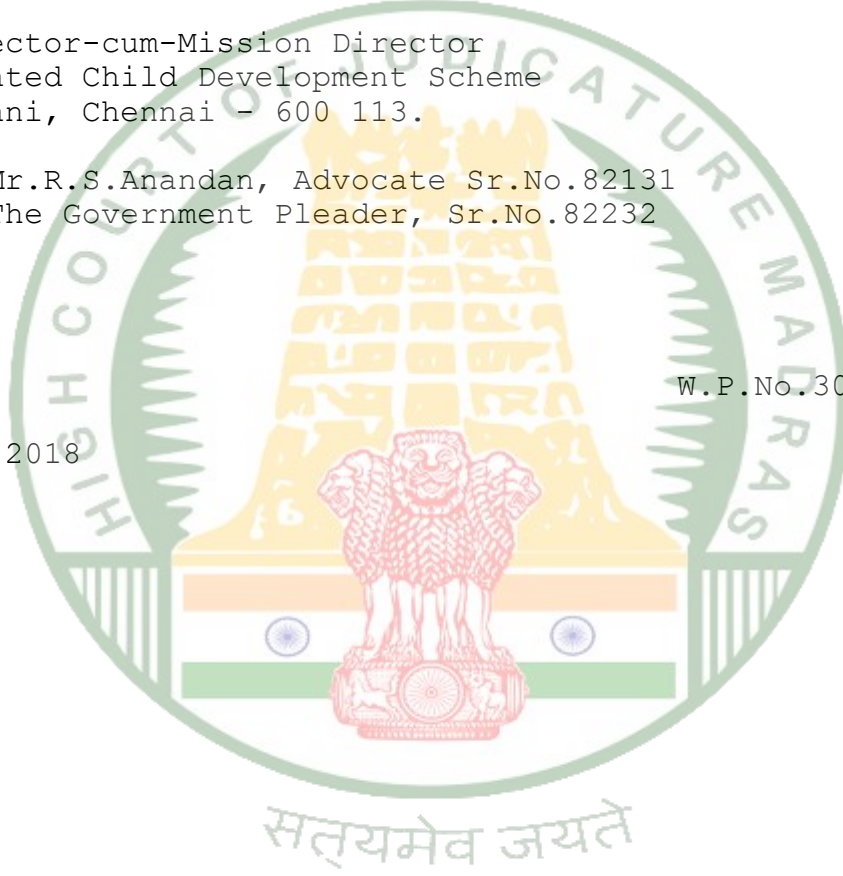
To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Finance (T&A-II) Department
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary to Government
Social Welfare and Nutritious Meal Programme
Department, Secretariat, Chennai 600 009.
- 3.The Director-cum-Mission Director
Integrated Child Development Scheme
Tharamani, Chennai - 600 113.

+1 cc to Mr.R.S.Anandan, Advocate Sr.No.82131
+1 cc to The Government Pleader, Sr.No.82232

VG-II(CO)
CSL/03.12.2018

W.P.No.30571 of 2018



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