

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.32725 of 2018

K.Balan

... Petitioner

..VS..

- 1 The Director of Public Health and Preventive Medicine
D.M.S. Complex, Anna Salai, Thenampet, Chennai 600 006.
 - 2 The Deputy Director of Health Service
Near Old G.H. Kamalalayam South,
Thiruvarur, Thiruvarur District 610 001.
 - 3 Dr.R.j.Ranimuthulakshmi M.B.B.S.,
Taluk Medical Officer (Enquiry Officer),
Government Primary Health Centre,
Royapuram, Needamanagalam Taluk, Thiruvarur District.
 - 4 K.Selva Raj Driver,
O/o.The Deputy Director of Public Health Service,
New Old G.H. Kamalalayam,
South Thiruvarur,
Thiruvarur District 610 001.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to furnish the charge memo in Na.Ka.No.6830/2018/A2 dated 25/09/2018 and 12/10/2018 and not to insist the petitioner for an enquiry.

For Petitioner : Mr. R.Sethuvarayar

For Respondents : Mr. R.S.Selvam, Govt. Advocate.

O R D E R

This writ of mandamus has been filed by the petitioner seeking directions to the 3rd respondent to furnish the charge memos and not to insist the petitioner for an enquiry, without issuing a charge memo.

2. There are three notices calling upon the petitioner for enquiry, dated 13.10.2018, 27.10.2018 and 03.11.2018.

3. For the notice issued on 13.10.2018, the petitioner had responded to the authorities concerned stating that the notice did not indicate the reasons for which the petitioner should appear in the enquiry.

4. The petitioner has specifically stated that, no charge memo has been issued and no explanation has been called for from him. There is a specific request to furnish copy of the charge memo, if any. The petitioner has also clearly stated that, in respect of what kind of charges, he was asked to appear has not been stated in the notice.

5. Even subsequently, without assigning any reason, whatsoever, another proceeding was given to the petitioner, pursuant to the notice dated 13.10.2018. This proceeding is dated 03.11.2018. It is stated in the notice that one Ranimuthulakshmi is conducting an enquiry and in respect of further enquiry, the petitioner has to appear. Even in the notice dated 03.11.2018, it is not stated, whether any charge is against this petitioner or somebody else and the purpose for which the petitioner has to appear.

6. The learned Government Advocate appearing on behalf of the respondents has produced the original files relating to the case.

7. A perusal of the original files would disclose that, out of 66 complaints in total, only few (two) complaints are against the petitioner (K.Balan) and rest of the complaints are against one Selvaraj. The major complaints are against Selvaraj and in one or two complaints it is stated that this petitioner is also involved. The role played by the petitioner is not specifically known.

8. Be that as it may. Nothing prevented the respondents from issuing charge memo that would give sufficient opportunity to the petitioner to respond to that. Without issuing the charge memo, it is not proper on the part of the respondents to call the petitioner for enquiry.

9. Under such circumstances, the impugned notices, calling the petitioner for enquiry, are quashed. It is open to the respondents to proceed further in accordance with law. No costs.

10. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

- 1 The Director of Public Health and Preventive Medicine,
D.M.S. Complex, Anna Salai, Thenampet, Chennai-600 006.
- 2 The Deputy Director of Health Service
Near Old G.H. Kamalalayam South,
Thiruvavarur, Thiruvavarur District 610 001.
- 3 The Taluk Medical Officer (Enquiry Officer),
Government Primary Health Centre
Royapuram,
Needamanagalam Taluk,
Thiruvavarur District.

+1cc to Mr.R.Sethuvarayar, Advocate, S.R.No.87362
+1cc to the Government Pleader, S.R.No.87417

W.P.No.32725 of 2018

SS (CO)

rrs 28/01/2019

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