



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.1189 of 2018

and

W.M.P. (MD) No.1257 of 2018

R.Ramanathan

... Petitioner

Vs.

1.The Director of Collegiate Education,
E.V.K.Sampath Buildings,
College Road,
Chennai-600 006.

2.Joint Director of Collegiate Education (P&D)
E.V.K.Sampath Building,
College Road,
Chennai-600 006.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to give proof of service for the charge memos under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules as mentioned in the proceedings of the Director of Collegiate Education in letters Na.Ka.En.10302/C3/05 with dates 17.03.2007, 27.03.2007 and to give the attested copy of Charge memo dated 26.12.2017 with proof of service to the petitioner and to give proper opportunity to ask for documents and time to defend himself and to follow proper procedures are prescribed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

For petitioner : Mr.R.Ramanathan

Party-in-person

For Respondents

: Mr. J. Gunaseelan Muthiah,
Additional Government Pleader

O R D E R

This writ petition has been filed following the issuance of the enquiry notice dated 10.01.2018. In the said communication, there were references to a charge memo dated 26.12.2017. That made the writ petitioner come to this Court demanding proof of service of the charge memo.



2. Heard both sides.

3. When the matter was taken up for hearing, the learned Additional Government pleader appearing on behalf of the respondents clarified that only two charge memos have been issued against the writ petitioner. One is dated 04.04.2006 under Rule 17-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and another one dated 27.03.2007 under Rule 17-B of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Except these two charge memos, no other charge memo has been issued against the writ petitioner.

4. The writ petitioner who appeared in person before this Court has submitted that he has given his explanation in respect of both the charge memos. The writ petitioner has already requested the first respondent to furnish him with copies of the relied upon documents. He further submits that the disciplinary authority is duty bound to supply the copies of the relied upon documents to the delinquent to conduct the enquiry. Unless the documents are provided, he will not be in a position to efficiently defend his case.

5. The first respondent is directed to furnish copies of all the relied upon documents to the writ petitioner. In view of the clarification provided by the learned Additional Government Pleader nothing more survives for adjudication.

6. With this direction, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

pnn

To

1. The Director of Collegiate Education,
E.V.K.Sampath Buildings,
College Road,
Chennai-600 006.



+3 CC TO Mr. R.RAMANATHAN , Party-in-Person, Sr.No. 56090

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 56487

JAM/24/05/2018/ RSK-SKN/SAR 3/ 3P-7C

**ORDER MADE IN
W.P. (MD) No.1189 of 2018
19.03.2018**