



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.03.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.5755 of 2018

and WMP(MD)Nos.5633 & 5634 of 2018

WEB COPY

S.Sankaralingam

... Petitioner

Vs.

1.The Principal Secretary /

Commissioner of Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chennai - 600 005.

2.The Chairman / Managing Director,

TASMAC, Thalamuthu Natarajan Maligai,
Gandhin Irvin Road, Egmore, Chennai-9.

3.The District Collector,

Collectorate Complex,
Kokkarikulam, Vannarapettai,
Tirunelveli.

4.The Senior Regional Manager,

TASMAC, No.100, Annanagar, Madurai.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari by quashing the charge memo issued by the first respondent in Ser-2(4)42969/2017 dated 02.12.2017.

For Petitioner

: Mr.V.Perumal

For Respondents

: Mr.M.Jeyakumar,

Addl., Govt.Pleader for R1 & R3

Mr.H.Arumugam for R2 & R4

ORDER

Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents 1 and 3. Mr.H.Arumugam, learned standing counsel takes notice for the respondents 2 and 4. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

2.The petitioner is presently working as a Deputy Collector in Tirunelveli. He was deputed to work in TASMAC for certain period. When he was on such deputation service, it appears that there were some lapses in his supervision. In this regard, a charge memo dated 02.12.2017 has been issued by the first respondent. The issuance of the charge memo is under challenge in this writ petition.



3. This Court is of the view that charge memo can be quashed on certain limited grounds. The case on hand has not fallen within those grounds. At this stage, the learned counsel appearing for the petitioner would submit that he would be satisfied if a few directions are issued in favour of the petitioner.

4. Taking note of the said submission of the learned counsel for the petitioner, the following directions are issued.

(i) The petitioner is going to be retire on 31.03.2018. Even a dismissed employee will have to be paid certain benefits such as Provident Fund and Leave Encashment Salary. Therefore, mere issuance of charge memo that too on the ground of lack of supervision, cannot lead to withholding of the terminal benefits payable to the petitioner. Therefore, the first respondent is directed not to withhold the provident fund and leave encashment salary payable to the petitioner on the ground of pendency of the charge memo.

(ii) The petitioner has already given his explanation on 31.01.2018. The disciplinary proceedings are directed to be concluded within a period of six months from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary /
Commissioner of Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chennai - 600 005.

2. The District Collector, Collectorate Complex,
Kokkarikulam, Vannarapettai, Tirunelveli.

+1CC TO M/S.V.PERUMAL, ADVOCATE, SR NO.56119
+1CC TO M/S.H.ARUMUGAM, ADVOCATE, SR NO.56393
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56547

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