



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.9832 of 2018

and

WMP(MD) No.9044 to 9046 of 2018

P.Pandeeswaran

.. Petitioner

Vs

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the charge memo issued by the second respondent in his proceedings Na.Ka.11804/2017/A2, dated 02.03.2018, quash the same consequently directing the Respondents to reinstate the petitioner in service with all attended and monetary benefits.

For Petitioner ... Mr.S.M.Mohan Gandhi

For Respondents ... Mrs.S.Srimathy,
Special Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal.

2.Heard Mr.S.M.Mohan Gandhi, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3.The petitioner, who was working as Village Assistant, has filed the writ petition challenging the charge memo issued under Rule 17(B) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.



4.The learned counsel for the petitioner submitted that the respondents without noticing the fact that the petitioner was working as Village Assistant at Vathalakundu, while the drought relief scheme list was recommended in respect of Sevaganpatti Village and the petitioner had no connection whatsoever with the Sevaganpatti Village during the said period and the petitioner did not give any application or petition claiming drought relief, has issued the charge memo. Therefore, it is submitted that the impugned charge memo is factually wrong.

5.Further, it is submitted that when the petitioner came to know that the amount sanctioned as drought relief was credited in his savings account in State Bank of India, immediately, he asked the Bank to refund the amount to the Department. Further, it is submitted that along with the petitioner, one Village Assistant by name A.Vijayaraja and Village Assistant one Murugan was suspended from service and without conducting any enquiry and without calling for any explanation, the said two persons were reinstated from service, therefore, the impugned order is passed on a wrong factual conclusion and the action initiated against the petitioner is discriminatory.

6.In my considered view, the contentions advanced by the petitioner are grounds to submit a reply to the charge memo and that cannot be a ground to quash the charge memo at this juncture. If the petitioner has records to show that he is not stated to be a beneficiary and there was a mistake committed by the some other persons, he can establish the same before the enquiry officer and get himself exonerated in accordance with law.

7. Similarly, the petitioner's the contention that he alone is discriminated by issuing the charge memo can be raised during the enquiry. Thus, for the above reasons, this Court is not inclined to interfere with the charge memo. Therefore, the writ petition is dismissed. However, the petitioner is at liberty to raise all contentions in the reply to the charge-memo some of which, were placed before this Court by the learned counsel for the petitioner. The petitioner is granted 30 days time from the date of receipt of a copy of this order to submit a reply to the impugned charge memo.

8.The learned counsel for the petitioner submitted that the respondents have not paid the subsistence allowance to the petitioner. In this regard, the petitioner is directed to give a representation to the second respondent, which shall be considered, if the allowance has not been paid, the same shall be



9. The writ petition is dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are also closed.

WEB COPY

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+ 1 cc TO Mr.S.M.Mohan Gandhi , Advocate in SR No. 64788

+ 1 cc TO The Special Government Pleader in SR No. 65007

am

AE/SV MMS/SAR1/05.06.2018/3P/5C

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