

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.Nos.738, 740, 742 and 745 of 2019

G.Rajaram	... Petitioner in W.P.738 / 2019
E.Balakrishnan	... Petitioner in W.P.740 / 2019
P.Gandhimathi	... Petitioner in W.P.742 / 2019
K.M.Palani	... Petitioner in W.P.745 / 2019

Vs

The District Collector
Panchayat Development
Thiruvannamalai District
Thiruvannamalai. ... Respondent in all the W.Ps.

For Petitioner	:	Mr.K.Venkataramani, for M/s.M.Muthappan
For Respondent	:	Mr.A.N.Thambidurai, Special Government Pleader

Prayer in W.P.No.738 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider the representation of the petitioner dt 19.11.18 for altering the charge memo issued to him u/r 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules by the respondent in Na.Ka.No.14040/2018/PA1(1) dt 25.10.18 into one under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules within a reasonable time and grant such other further relief as this Honble Court..

Prayer in W.P.No.740 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider the representation of the petitioner dt 19.11.18 for altering the charge memo issued to him u/r 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules by the respondent in Na.Ka.No.14040/2018/PA1(2) dt 26.10.18 into one under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules within a reasonable time and grant such other further relief as this Honble Court

Prayer in W.P.No.742 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider the representation of the petitioner dt 19.11.18 for altering the charge memo issued to

him u/r 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules by the respondent in Na.Ka.No.14040/2018/PA1(3) dt 26.10.18 into one under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules within a reasonable time and grant such other further relief as this Honble Court.

Prayer in W.P.No.745 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to consider the representation of the petitioner dt 19.11.18 for altering the charge memo issued to him u/r 17 (b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules by the respondent in Na.Ka.No.14040/2018/PA1(4) dt 26.10.18 into one under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules within a reasonable time and grant such other further relief as this Honble Court.

C O M M O N O R D E R

The petitioners were issued with charge memo in October 2018, with the allegation of dereliction of duty with profit motive, obtaining illegal gratification and for committing misappropriation of Government funds. It is alleged by the petitioners that though the occurrence is said to have taken place in the year 2012-13, the charge memo came to be issued after a lapse of six years. The grievance of the petitioners is that the delay in the initiation of the disciplinary proceedings has not been explained and the petitioners, by way of efflux of time, are unable to defend themselves effectively in the departmental proceedings. Expressing their grievance, the petitioners have submitted individual representations to the respondents on 19.11.2018 for altering the charge memos issued to them under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to one under Rule 17(a) of the said Rules. As the representations did not evoke any response, the petitioners have filed the present writ petitions seeking appropriate relief.

2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of the respondents. Heard the learned counsel on either side and perused the materials placed on record.

3. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondent to consider the representations of the petitioners and pass orders on the same within a particular time frame.

4. In the above circumstances, this writ petitions are disposed of directing the respondent to consider each of the representations of the petitioners dated 19.11.2018, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Deputy Registrar

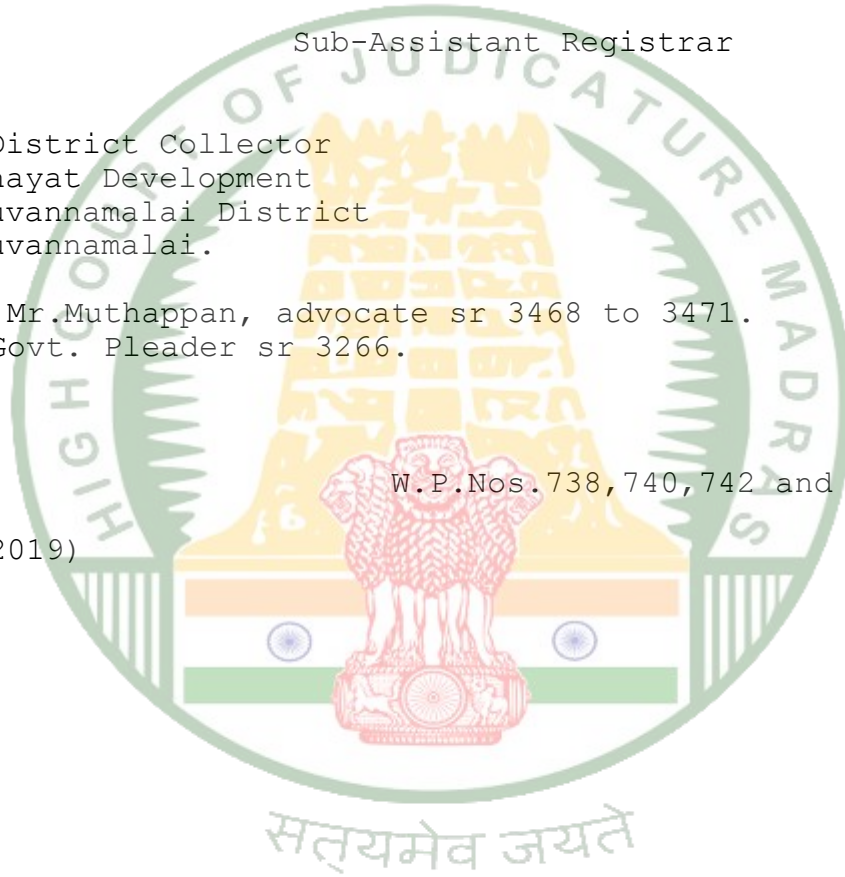
True Copy

To Sub-Assistant Registrar

The District Collector
Panchayat Development
Thiruvannamalai District
Thiruvannamalai.

+4 Ccs to Mr.Muthappan, advocate sr 3468 to 3471.
+1 CC to Govt. Pleader sr 3266.

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SP(04/02/2019)



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