

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.05.2019

CORAM:
THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15159 of 2019
and
W.M.P.Nos.15149 and 15150 of 2019

Murthy

... Petitioner

/vs/

- 1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
- 2.The Director,
Rural Development and
Panchayat Raj Department,
Panagal Buildings, Chennai - 600 015.
- 3.The Inspector of Panchayats/District Collector,
Salem District, Salem.
- 4.The Assistant Director of Panchayats
(Audits), Salem District, Salem,
- 5.The Block Development officer,
Mecheri Panchayat Union,
Mettur Taluk, Salem District.
- 6.The Block Development Officer,
Panamarathupatti Panchayat Union,
Salem District.
- 7.The Tahsildar,
Mettur Taluk, Mettur,
Salem District.

... Respondents

Prayer This Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating tot he Charge Memo dated 27-08-2018 in Na.Ka.No.21231/2017/Thi.3 issued by the 3rd respondent and the consequential order of the 5th respondent dated 18-12-2018 in Na.Ka.No.1135/2017/Thi.2 to the 7th respondent, and to quash the same.

For Petitioner :Mr.C.Prabakaran

For Respondents :Mr.M.Elumalai,
Government Advocate

O R D E R

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

2. Heard the learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate who accepted notice for respondents 1 to 7.

3. The writ petition has been filed challenging the charge memo dated 27.08.2018 in Na.Ka.No.21231/2017/Thi.3 issued by the third respondent and the consequential order of the 5th respondent dated 18-12-2018 in Na.Ka.No.1135/2017/Thi.2 to the 7th respondent and to quash the same.

4. At the out set I am of the view that when the charge memo was issued with regard to service irregularity and misappropriation, it cannot be stayed or quashed by a Court of law. It is for the petitioner to give an explanation for the charge memo and without giving any explanation, the petitioner cannot straightaway approach this Court. Therefore, I find no merit in the Writ Petition.

5. At this stage, the learned counsel for the writ petitioner would contend that the petitioner has asked for certain documents, but, the copies of the same have not been furnished to him in order to defend his case.

6. Taking into consideration of the submission of the learned Counsel for the petitioner, the respondents are directed to furnish the copies of the documents which relate to substantiate the charges framed against the petitioner enabling him to offer his explanation.

7. With the above direction, the writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

dpq/tsg

To

- 1.The Government of Tamilnadu,
represented by its Principal Secretary,
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- 7.The Tahsildar,
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Salem District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.44640

W.P.No.15159 of 2019
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VBA (CO)

RRS (01/07/2019)

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