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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 28.06.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.18319 of 2019

&

W.M.P.No.17674 of 2019

R.Jayakumar

.. Petitioner

versus

1. The State of Tamil Nadu,
rep. by its Agricultural Production Commissioner and
Principal Secretary to Government,
Agriculture Department,
Secretariat, Fort St.George,
Chennai-09.

2. The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam, Chennai-35.

3. The Chief Executive Officer,
State Level Nodal Agency,
Tamil Nadu Watershed Development Agency,
TANCOF building No.55 Thiru Vi Ka Industrial Estate,
Ekkattuthangal, Chennai-600 032.

4. The Procect Officer/Joint Director of Agriculture,
District Watershed Development Agency,
Gundu Salai, Semmandalam,
Cuddalore-607 001.

5. Mr.Gagandeep Sing Bedi

6. R.Murugesan

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for records of the 2nd respondent comprised in charge memo bearing Ona.4/30186/2018 dated 21.03.2019 and quash the same as arbitrary, illegal and unconstitutional.



For Petitioner : Mr.R.Venkatraman

For Respondents : Mr.J.Pothiraj, Spl.GP for R1

ORDER

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The present Writ Petition has been filed, challenging the Charge memorandum dated 21.3.2019 issued against the petitioner, framing 8 articles of charges. All the charges are relating to his discharge of duties as Assistant Engineer. The petitioner was due for retirement on attaining the age of superannuation on 31.5.2019.

2. The challenge to the charge memo by the petitioner in the Writ Petition is on the basis of facts stated by the petitioner in the affidavit which according to him, would establish his innocence. But no legal material and legal grounds have been stated in the affidavit, warranting intervention of this Court at the stage of issuance of charge memorandum.

3. The affidavit filed in support of the Writ Petition contains numerous factual details in support of the claim of the petitioner and such factual details cannot be the basis for consideration by this Court for intervening with the charge memorandum issued against the petitioner. This Court while undertaking judicial review in its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot embark upon the adjudication of factual disputes and come to a conclusion in favour of the petitioner or against him. When serious charges were framed against the petitioner, it is open to the petitioner to face the charges and to prove his innocence in the departmental enquiry and it is certainly not open to the petitioner to invoke the constitutional jurisdiction of this Court and seek to review of the charge memorandum on the basis of factual averments. The averments as contained in the affidavit are self-serving and the same cannot be considered by this Court in order to extend extraordinary jurisdiction of this Court and intervene at the stage of memorandum.

4. This Court has time and again held that the intervention of this Court in regard to the charge memo is possible only on the jurisdictional issue or the impugned charge memo was on certain important grounds like the same was issued after unexplained delay of several years or the charges are extremely vague etc., These cases as described by this Court, fall within the realm of exception, but the present case on hand does not appear to be one such exception for this Court to intervene with the charge memorandum at the initial stage itself.

5. For the above said reasons, this Court is of the view



that no intervention is called for at the initial stage of charge memorandum and it is too premature for this Court to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. Consequently, connected WMP 17674 of 2019 is closed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Agricultural Production Commissioner
Principal Secretary to Government,
The State of Tamil Nadu,
Agriculture Department,
Secretariat, Fort St.George,
Chennai-09.

2. The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam, Chennai-35.

3. The Chief Executive Officer,
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4. The Procect Officer/Joint Director of Agriculture,
District Watershed Development Agency,
Gundu Salai, Semmandalam,
Cuddalore-607 001.

+1cc to Mr.S.Ramesh, Advocate, S.R.No. 53864

+1cc to the Government Pleader, S.R.No. 54458

W.P.NO.18319 OF 2019

RV(CO)
GN(14/08/2019)