



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18360 of 2019 and
W.M.P.Nos.17714 & 17715 of 2019

Thirumani

... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Kadhi and Village Industries Board,
Kuralagam Buildings, 5th Floor,
Esplanade, Chennai - 108.
2. The Regional Deputy Director,
Tamil Nadu Khadi and Village Industries Board,
Tiruppur.
3. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the issuance of charge memo in Na.Ka.No.145/2019/E, dated 20.6.2019 by the 3rd respondent and consequential suspension order issued in Proceedings in Na Ka No.1773/2019/E, dated 21.6.2019 by the 2nd respondent and quash the same.

For Petitioner : Mr.R.Thomas

For Respondents : Mr.S.K.Bose

ORDER

The writ petition has been filed challenging the charge memo issued against the petitioner dated 20.06.2019. The petitioner was originally appointed as Supervisor Grade II in the Tamil Nadu Khadi Village Industries in the respondent Board on 10.07.1991. He was posted as Supervisor Grade II on 14.10.2010 and served in that capacity till 09.07.2018.



2.While so, the 3rd respondent issued a charge memo on 20.06.2019 on the eve of his retirement i.e. on 30.06.2019. According to him, in discharging of his duties, the petitioner has caused loss to the Board to the tune of Rs.5,77,845/-. The petitioner was also placed under suspension vide order dated 21.06.2019. The present writ petition is filed challenging both the charge memo as well as the suspension order.

3.First of all, the petitioner cannot challenge both charge memo and suspension order in one writ petition, since both have different causes of action and the same cannot be clubbed together in a single writ petition. Therefore, on this ground alone, the writ petition is liable to be dismissed.

4.Even otherwise, the petitioner is seeking to challenge the charge memo on the basis of certain factual averments, which according to the petitioner, would not give rise to framing charges against the petitioner. No worthy ground has been mentioned in the affidavit as to how charge memo was not maintainable or the same suffers from any jurisdictional error.

5.The affidavit in its entirety is edified on the basis of facts alone and this Court cannot adjudicate upon the factual averments and come to a conclusion one way or the other. Such a factual review is not what is contemplated under Article 226 of the Constitution of India.

6.As regards the petitioner's suspension order is concerned, once this Court interferes with the suspension order by way of an interim order, it almost becomes a final verdict, since the petitioner would be retired and gone and would not be liable for any punishment, which can be otherwise imposed on the basis of conclusion of the proceedings initiated against him vide charge memorandum.

7.In any case, the petitioner has not made out any iota of case for this Court to interfere at this preliminary stage. The challenge to charge memo cannot be successfully maintained and this Court jurisdiction cannot be invoked routinely challenging the charge memorandum and the suspension orders issued against the petitioner.



8. For the above said reason, this Court does not find any ground worthy of serious consideration for its interference. Therefore, the writ petition lacks both merits and substance and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam Buildings, 5th Floor,
Esplanade, Chennai - 108.
2. The Regional Deputy Director,
Tamil Nadu Khadi and Village Industries Board,
Tiruppur.
3. The Assistant Director,
Tamil Nadu Khadi and Village Industries Board,
Coimbatore.

+1 cc to Mr.D.Kingslin, Advocate, S.R.No.54807

+1 cc to the Government Pleader, S.R.No.54459

W.P.No.18360 of 2019

AD(CO)
SSM(01/08/2019).