

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.19552 of 2019 and
M.P.Nos.19043 & 19046 of 2019

S.Maragathavelan

...Petitioner

Vs.

Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005,
represented by its Managing Director

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of Charge memo, dated 07.02.2019 with reference Charge Memo No.17 030/Estt.(DP)/A4/2018-1 issued by the respondent, quash the same and consequently direct the respondent to revoke the order of suspension dated 06.08.2018 with reference Proc.No.17030/Est.(DP)/A-4/2018-1 and reinstate the petitioner with consequential benefits.

For Petitioner : Mr.M.Muralidharan
For Respondents : Mr.M.Jothikumar

ORDER

This Writ Petition has been filed by the petitioner, praying to issue Writ of Certiorarified Mandamus, to call for the records of Charge memo, dated 07.02.2019 with reference Charge Memo No.17 030/Estt.(DP)/A4/2018-1 issued by the respondent, quash the same and consequently direct the respondent to revoke the order of suspension dated 06.08.2018 with reference Proc.No.17030/Est.(DP)/A-4/2018-1 and reinstate the petitioner with consequential benefits.

2. The petitioner was working as Deputy Chief Engineer at Head Office of Tamil Nadu Water Supply and Drainage Board, Chennai. He was placed under suspension pending contemplation of disciplinary action initiated against him. Thereafter, a charge memo was issued on 7.2.2019 framing four articles of charges. The charges pertain to the irregularities committed by the petitioner in Chidambaram Municipality while he was working as Deputy Chief Engineer. The said charge memorandum dated 7.2.2019 is put to challenge in the present Writ petition.

3. Mr.M.Muralidharan, learned counsel would submit that the petitioner was not responsible for sanctioning of the payment to the Contractor as alleged in the charge memorandum. According to him, earlier a different official who was in charge, had sanctioned major portion of the amount and he only followed the action initiated by the earlier officer.

4. This Court is unable to appreciate as to how such facts could be appreciated at the instance of the petitioner and intervene in the disciplinary proceedings at the initial stage of issuance of charge memorandum. The entire averments in the affidavit filed in support of the writ petition are in relation to the factual aspects and on the basis of those self-serving averments, the petitioner claims himself innocent and therefore, the charge memorandum is being put to challenge in the writ petition.

5. This Court does not comprehend as to how the extraordinary jurisdiction of this Court under Article 226 of the Constitution can be invoked so routinely in order to intervene in the charge memorandum by adjudicating the factual aspects as claimed by the petitioner herein. In case the petitioner is innocent, he can always come out unscathed by giving a detailed explanation to the charge memorandum and he can always put up valid defence in order to establish his innocence. Certainly it is not open to the petitioner to approach this Court and seek for its intervention at this stage.

6. Even otherwise, this Court does not find any grounds worthwhile to interfere with the charge memorandum at this stage and the Writ Petition is therefore, devoid of merit and substance in regard to challenge to the charge memorandum.

7. For the above said reasons, this Court has no hesitation to dismiss the Writ Petition. Accordingly, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Managing Director, Tamil Nadu Water Supply and Drainage Board, No.31, Kamarajar Salai, Chepauk, Chennai-600 005.

+1 cc to M/s.S.M.Muralidharan, Advocate Sr.No.56850

W.P.NO.19552 OF 2019

AKM/ 27.08.19/ 2P-3C /