

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.19923 of 2019 and
W.M.P.No.19443 of 2019

S.Muralibabu

...Petitioner

Vs.

1. The Secretary to Government,
cum The Commissioner of Agriculture Produce,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2. The Director,
Agriculture,
Chepauk, Chennai-600 005.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records from the file of the 2nd respondent in connection with charge memo dated 02.02.2017, quash the same.

For Petitioner : Mr.T.Aananthi

For Respondents : Mr.I.Sathish, AGP

ORDER

This Writ Petition has been filed, praying for issuance of Writ of Certiorari, to call for the records from the file of the 2nd respondent in connection with charge memo dated 02.02.2017 and quash the same.

2. The petitioner was working as Agricultural Officer and he was given full additional charge of the post of Assistant Director of Agriculture in the second respondent Office. He was issued with a charge memo, framing three articles of charges on 02.20.2017. In response to the charge memorandum, the petitioner appears to have submitted his explanation on 28.2.2017 denying the charges. Thereafter, an enquiry was conducted into the charges. On completion of the enquiry, a report was submitted

on 07.05.2018 and on receipt of the copy of the report, the petitioner has also submitted his objections on 28.05.2018 and as no final order has been passed. In the circumstances, the petitioner is before this Court, challenging the charge memorandum itself on the ground that there was delay in completion of the enquiry.

3. From the grounds raised in the affidavit, this Court is unable to see any worthwhile issue in order to interfere with the disciplinary action which reached the advance stage of completion. When the petitioner himself has participated in the enquiry and submitted his objections to the enquiry report, this Court is unable to appreciate as to how he can be allowed to challenge the charge memorandum without awaiting final orders to be passed by the Disciplinary Authority.

4. It appears from the averments and grounds raised in the Writ Petition, the petitioner is assailing the charge memorandum on the basis of factual averments expecting this Court to adjudicate the same in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. This Court finds that there is absolutely no merit whatsoever disclosed in the affidavit to intervene at the present stage of the disciplinary action. On the whole, this Court finds that there is no merit in the Writ Petition in challenging the charge memorandum issued against the petitioner.

6. For the above said reasons, this Court finds that the Writ Petition is not maintainable and accordingly the same is dismissed. No costs. Consequently, connected WMP is closed.

Suk

Sd/-
Assistant Registrar(CCC)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

TO:

1. The Secretary to Government,
cum The Commissioner of Agriculture Produce,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

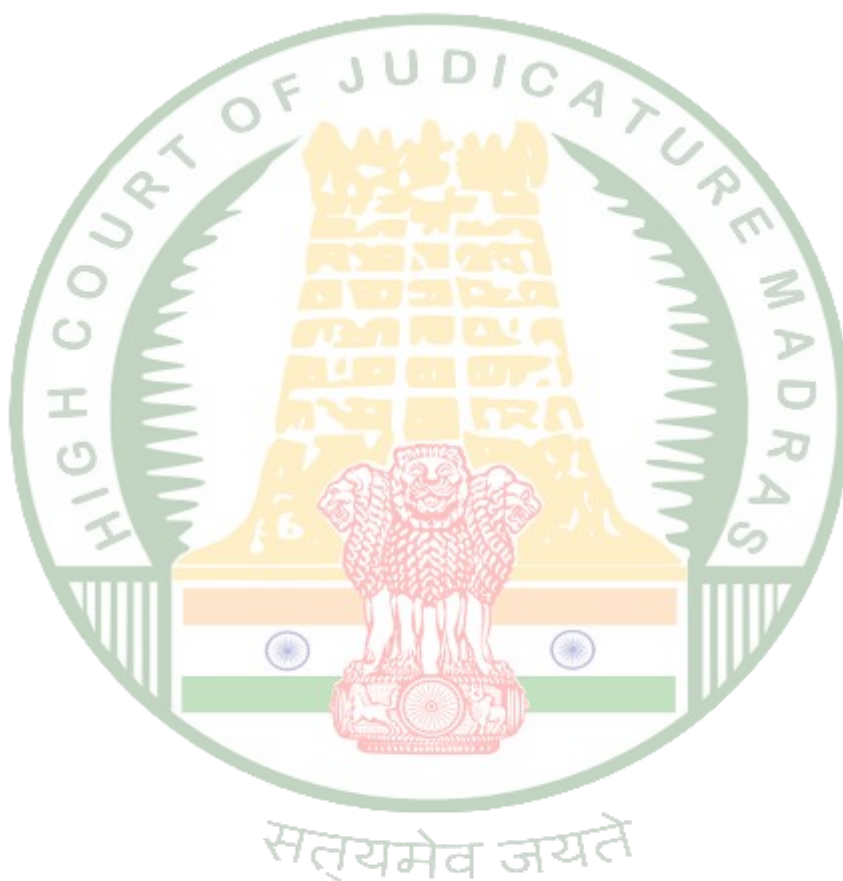
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2. The Director,
Agriculture,
Chepauk, Chennai-600 005.

+1cc to Government Pleader sr.58584

W.P.NO.19923 OF 2019

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