

IN THE HIGH COURT OF JUDICATURE AT MADRAS

19.07.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.20990 of 2019

and

W.M.P.Nos.20167 and 20168 of 2019

S.Karuppuchamy

... Petitioner

Vs.

1. Government of Tamil Nadu,
rep.by its Principal Secretary,
(Home and Transport Department),
Fort St.George,
Chennai-600 009.

2. The Transport Commissioner,
Ezhilagam,
Chennai-600 005

3. The Deputy Transport Commissioner,
Virudhunagar Zone,
Virudhunagar

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records of the first respondent and to quash the G.O.(D) No.435, Home (Tr-II), Department, dated 20.05.2016 and the consequential proceedings issued by the 1st respondent, namely Principal Secretary to Government, vide Letter No.26784/Tr-II/2014-6, dated 20.05.2016 for framing charges against the petitioner.

For Petitioner

.. Mr.OM.Prakash,Sr.counsel
Mr.Veerapathiran G.

For Respondents

.. Mr.J.Pothiraj,Spl.G.P.

ORDER

In the present writ petition, a challenge is made to the Government Order in G.O.(D).No.435, Home (Tr-II), Department, dated 20.05.2016, wherein it is stated that the petitioner along with three others have indulged in a disciplinary case, when he

was working as Regional Transport Officer and a common disciplinary proceedings shall be taken against them and the procedure prescribed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules will be followed.

2.Shri.Om.Prakash, the learned Senior counsel appearing for the petitioner would submit that in fact the petitioner was the one, who issued charge memo against the other erring officials in regard to certain irregularities. Unfortunately, by the impugned proceedings, the Government has cancelled the charge memo issued by the petitioner against the subordinate officials and included the petitioner in the disciplinary proceedings. He would therefore submit that the impugned Government Order is liable to be set aside.

3.In support of the petitioner's claim, number of factual averments have been stated in the affidavit filed in support of the writ petition. However, this Court is unable to appreciate as to how on the basis of factual averments, the impugned proceedings could be interfered with. The challenge to the impugned proceedings appears to be too premature for this Court to entertain the same. The petitioner, in any event, can always participate in the enquiry proceedings and prove his innocence and come out unscathed. It is certainly not open for him to assail the very initiation of the disciplinary action against him on the basis of his own self-serving averments.

4.Challenge to the charge memo could be successfully made only when the same suffers from jurisdictional error or the same has been framed on a mala fide consideration or the charges are extremely vague, which could not be understood by the delinquent officer.

5.In this case, none of the parameters, as above, exists for this Court to consider the challenge and intervene at the very threshold of the initiation of the disciplinary action against the petitioner.

6.Therefore, without going into the various factual averments as contained in the affidavit and without expressing any opinion, this Court is of the view that it is open to the petitioner to participate in the enquiry proceedings, which is set in motion in pursuance of the disciplinary action initiated against him vide impugned G.O.(D), No.435, dated 20.05.2016 and establish his innocence in an enquiry to be conducted under major penalty proceedings.

7.For the above said reasons, this Court finds that the writ petition is too premature to be entertained and hence, the same is dismissed as being not maintainable. No costs. Consequently connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Principal Secretary,
(Home and Transport Department),
Fort St.George,
Chennai-600 009.
2. The Transport Commissioner,
Ezhilagam,
Chennai-600 005
3. The Deputy Transport Commissioner,
Virudhunagar Zone,
Virudhunagar

+1 cc to Mr.G.Veerapandian, Advocate, S.R.No.61756

+1 cc to the Government Pleader, S.R.No.62391

W.P.No.20990 of 2019

PM(CO)
SSM(27/08/2019)

सत्यमेव जयते

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