

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.01.2019

CORAM
THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.20760 of 2017
and
W.M.P.No.21583 of 2017

A.Poyyamozhi

...Petitioner

vs.

1. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai.
2. The District Collector,
Ariyalur.
3. The Assistant Director of Rural Development
(Panchayat/Audit)
Ariyalur.
4. The Block Development Officer,
(Village Panchayat)
T.Palur & (PO),
Udayarpalayam (TK),
Ariyalur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with proceedings in (i) Na,Ka.No.3669/2015 RD 2-7 dated 28.08.2015 on the file of the second respondent (ii) Memo of Show cause notice in Na.Ka.No.3669/2015 RD-1 dated 16.02.2017 on the file of the second respondent and quash the same as it is ultra virus and unconstitutional and consequently direct the respondents to promote the petitioner as Block Development Officer w.e.f. 4.7.2017, when his Junior was promoted.

For Petitioner : Ms.T.Aananthi

For Respondents : Mr.I.Sathish
Additional Government Pleader

O R D E R

The petitioner is aggrieved against the Charge Memo dated 28.08.2015.

2. Heard both sides.

3. Though the writ petition is filed by raising very many contentions on the merits of the charge levelled against the petitioner, this Court is not inclined to interfere with the Disciplinary Proceedings at the stage of issuance of Charge Memo itself, simply for the reason that the same was admittedly issued by a competent authority and that the petitioner has also filed the explanation to the Charge Memo.

4. Needless to say that all the contentions raised in this writ petition can be raised before the Enquiry Officer and therefore the petitioner is not justified in filing the present writ petition questioning the charge memo itself, which attempt is nothing but indirectly inviting this Court to probe the correctness or otherwise of the allegations made against the petitioner in the Charge Memo, even before conducting an enquiry.

5. Needless to say that it is for the Enquiry Officer to enquire into the charges and file a report accordingly. Therefore, the approach of the petitioner in filing the present writ petition at the stage of issuance of charge memo itself is neither maintainable nor entertainable.

6. Accordingly, without expressing any view on the merits of the contentions of the charge memo, this Writ Petition is disposed of by directing the second respondent to complete the Disciplinary Proceedings and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, since it is stated that the petitioner, due to the pendency of the charge memo, has lost three opportunity of promotion. As the charge memo itself was issued as early as on 28.08.2015, the second respondent is directed to strictly adhere to the time limit prescribed by this Court. If the final order is not passed by the second respondent within the time stipulated by this Court, it is open to the petitioner to seek appropriate relief by filing separate writ petition in respect of his promotion. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sni/arr

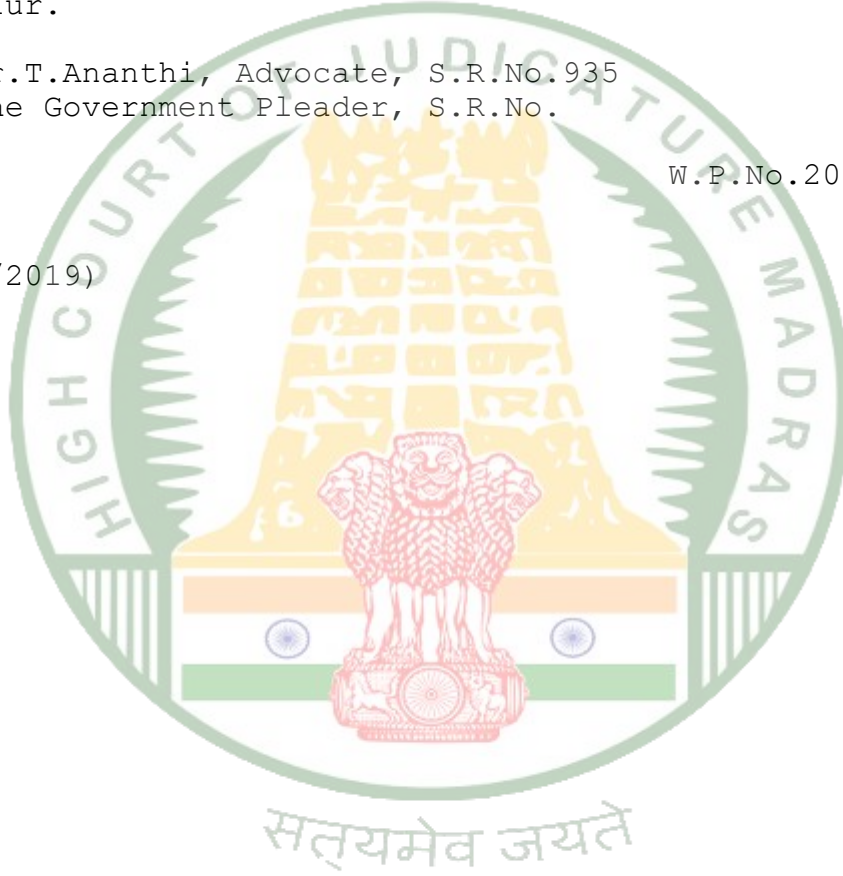
To

1. The Director of Rural Development and Panchayat Raj,
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Saidapet,
Chennai.
2. The District Collector,
Ariyalur.
3. The Assistant Director of Rural Development
(Panchayat/Audit)
Ariyalur.

+1cc to Mr.T.Ananthi, Advocate, S.R.No.935
+1cc to the Government Pleader, S.R.No.

W.P.No.20760 of 2017

SJ(CO)
RRS (30/01/2019)



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