

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.32022 of 2018

and

W.M.P.No.37277 of 2018

Mr.M.Nirmal

...Petitioner

Vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Personal Assistant (General)
to the District Collector,
Dharmapuri,
Dharmapuri District.

3.The Special Tahsildar (S.S.S)
Nallampalli Taluk,
Dharmapuri District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other or direction in the form of writ against the respondents to call for the entire records pertaining to issuance of the impugned order of memorandum of Charges dated 19.11.2018 in Na.Ka.No.17128/2018 (A4) passed by the 2nd respondent herein and quash the same.

For Petitioner :Mr.C.Umashankar

For Respondents :Mr.A.N.Thambidurai,
Additional Government Pleader

O R D E R

The charge memo dated 19.11.2008 is sought to be quashed in the present Writ Petition. The allegations set out against the writ petitioner in the impugned charge memo are extracted hereunder:

பின்னிணைப்பு - 1

அரசு பணிமில் செறிதலறி நுட்டு கொண்டமைக்காக முன்னாள் இளநிலை வருவாய் ஆய்வாளர் தருமபரி மாவட்ட ஆட்சியரகம் சமூக பாதுகாப்பு பிரிவு, திருமுத்தியல், என்பவருக்கு எதிராக எற்படுத்தப்பட்ட குறை கூறுகளின் காரம்.

குற்றச்சாட்டு :1

திருமுத்தியல், என்பவர் தருமபரி மாவட்ட ஆட்சியரகம் சமூக பாதுகாப்பு பிரிவு இளநிலை வருவாய் ஆய்வாளராக 05.12.2017 முதல் 25.10.2018 வரை பணிபுரிந்து வந்தார். இவர் இதற்கு முன்னர் நல்லம்பள்ளி வட்டாட்சியர் அலுவலகத்தில் சமூக பாதுகாப்புக் திட்டப்பிரிவில் இளநிலை வருவாய் ஆய்வாளராக பணிபுரிந்தபோது இளநிலை வருவாய் ஆய்வாளரின் இடக்கிய குறியீட்டு எண்ணையும், வட்டாட்சியரின் இடக்கிய குறியீட்டு எண்ணையும் தெரிந்துவைத்திருந்த காரணத்தினால் நல்லம்பள்ளி வட்டாட்சியர் அலுவலகத்தில் சமூக பாதுகாப்புத் திட்டத்தில் கீழ் பதவிநிலைமை பெற்றவர்த 155 கருதியாக பயனாளிணை நீக்கம் செய்துவிட்டு இடைதராகக் கீழ் பதவிநிலைமை பெற்றவர்களுக்கு வட்டாட்சியரின் ஆணை இல்லாமல் வட்டாட்சியரின் ரகசிய குறியீட்டு எண்ணை பயன்படுத்தி வட்டாட்சியரின் பார்வைக்கு கொண்டு செல்லாமல் தகுதியற்ற பயனாளிகளை இடக்கியதன்மூலம் பதவி பெற்று உதவித்தொகை வழங்க காரணமாக இருந்துள்ளார். இதனால் கருதியாக பயனாளிகள் பிசுவம் சிறுத்திற்கு உய்க்கி நல்லம்பள்ளி வட்டாட்சியரிடம்(ச.ப.அ.) மற்றும் மாவட்ட ஆட்சியர் அலுவலகம் முன்புமீட்டார்கள். இதனால் மாவட்ட நிர்வாகத்திற்கு அவப்பெயர் ஏற்படுத்தியும், பெயர்காரிகளை சிறுத்திற்கு உய்க்கியும் முய்க்கை தடுக்கத்தடன் நுட்டு கொண்டது.

S.No	Village	Scheme	Applicant ID	DAP A/c No	Admission Date	Name of the Beneficiary	Bank A/c No.	Address
1	NAGARKUDAL	DAPS	18/0210/05/000008	8	15-06-2018	Perumal Perian	9930100002 0930	4/157 konikottai rajakollahalli Indur S.O
2	PALAYAM	DAPS	18/0210/05/000010	10	15-06-2018	Kannappan Ashanappan	9947829310	5/1 Themparagampatti palayam.
3	PANGUNATHAM	DAPS	18/0210/05/000013	13	15-06-2018	Anjjanmal Chinnasamy	9940100000 9576	1/8 Rajakollahalli Pangunatham Indur S.O
4	MANIYATHAHALLI	DAPS	18/0210/05/000014	14	15-06-2018	Perumal Palaniyappa	54761168	99/2 Appatti maniyathahalli Nallampalli S.O
5	PALAVADI	DAPS	18/0210/05/000015	15	15-06-2018	Muthulakshmi Suresh	9930100001 6055	3/80 papparipatti palavadi Peupparapatti S.O
6	PALAVADI	DAPS	18/0210/05/000016	16	15-06-2018	Jesinthamary Vineth	9930100006 7155	3/80 papparipatti palavadi Peupparapatti S.O
7	BOLANAHALLI	DAPS	18/0210/05/000017	17	15-06-2018	Ponyasamy Nanjappan	1073010000 29509	samysettipathi bolanahalli Nallampalli S.O

8	MANIYATHAHALLI	DAPS	18/0210/05/000018	18	15-06-2018	Vanitha Palanisamy	10023475408	3/169 kadathikkuttai maniadhahalli Nallampalli S.O
9	MANIYATHAHALLI	DAPS	18/0210/05/000019	19	15-06-2018	Sakthivel Chanapai	10004512115	sesampattiyenottai maniadhahalli Nallampalli S.O
10	KONANGHALLI	DAPS	18/0210/05/000020	20	15-06-2018	Posuvan Munusamy	52400321	1/277 bagrakaram konaghalli Biliyanur Agraharam S.O
11	DINNAHALLI	DAPS	18/0210/05/000021	21	15-06-2018	Arakkiasamy Kanikkasamy	107301000030953	4/455 kollakkottai dinnahalli Laligam S.O
12	ELAGIRI	DAPS	18/0210/05/000023	23	15-06-2018	Kathirvel Govindhan	107301000021888	6/43 melkottavur elagiri Nallampalli S.O
13	NALLAMPALLI	DAPS	18/0210/05/000024	24	15-06-2018	Rajammal Pachiyappan	6466076737	5/33 nallampalli lagam Nallampalli S.O
14	PAGALAHALLI	DAPS	18/0210/05/000025	25	15-06-2018	Kanaga Jodaiyan	6037234808	stivadi pagalahalli Nallampalli S.O
15	DOKKUBODANAHALLI	DAPS	18/0210/05/000026	26	15-06-2018	Pachiyammal Peramasivam	107301000025675	2/2 thathanayakkan pattu dokkubodanahalli Nallampalli S.O
16	MANIYATHAHALLI	DAPS	18/0210/05/000027	27	15-06-2018	Sundharammal Krishnan	54402988	3/208 kadathikkuttai maniadhahalli Nallampalli S.O
17	MANIYATHAHALLI	DAPS	18/0210/05/000028	28	15-06-2018	Machesh Varadhan	10022381735	5/77 molesalpatti maniadhahalli Nallampalli S.O
18	ADAMANKOTTAI	DAPS	18/0210/05/000029	29	15-06-2018	Munisamy Srinivasan	976727593	1/175 Devarasampatti adamankottai Nallampalli S.O
19	AJETTTHAHALLI	DAPS	18/0210/05/000030	30	15-06-2018	Raman Chinnaian	107301000031004	2/620 thozhimaiyasa ajettthahalli Nallampalli S.O
20	DINNAHALLI	DAPS	18/0210/05/000031	31	15-06-2018	Moorthi Kes	107301000032493	4/416 vijaya nagar dinnahalli Nallampalli S.O
21	MADAMANGALAM	DAPS	18/0210/05/000032	32	15-06-2018	Thangavel Chinnaasamy	558602013007277	5/221 madamangalam madamangalam Laligam S.O
22	BOLANAHALLI	DAPS	18/0210/05/000033	33	15-06-2018	Sampathai Ramalingam	107301000030852	6/338 samyasettippatti bolanahalli Nallampalli S.O
23	BOLANAHALLI	DAPS	18/0210/05/000034	34	15-06-2018	Ramachandran Eswarabhan	107301000052182	5/104 samyasettippatti bolanahalli Nallampalli S.O
24	ELAGIRI	DAPS	18/0210/05/000035	35	15-06-2018	Kundiyammal Mathayan	107301000015643	5/73 kadarkukaresampatti elagiri Nallampalli S.O

42	MIREDDIHALLI	DAPS	18/0210/05/ 000401	401	10/09/2018	Rukumani Siddhan	1073010000 060130	mitadinnahali mitadinnahali Laligam S.O
43	KONANGIHALLI	DAPS	18/0210/05/ 000417	417	29-09-2018	Kaveriammal Kandhan	91858199	KONAKIHALLI KONAKIHALLI Biljapur Agriharan S.O
44	PALAYAM	DWP	18/0212/05/ 000167	167	9/9/2018	Jayakodi Perumal	949001904	palayam palayam Nallampalli S.O
45	PALAYAM	DWP	18/0212/05/ 000168	168	9/9/2018	Salanimal Manivannan	6503978951	palayam palayam Nallampalli S.O
46	PALAYAM	DWP	18/0212/05/ 000169	169	9/9/2018	Sivakani Chinnasami	6020826177	palayam palayam Nallampalli S.O
47	PALAYAM	DWP	18/0212/05/ 000170	170	9/9/2018	PANDALAI MADHU	6009225194	palayam palayam Nallampalli S.O
48	PALAYAM	DWP	18/0212/05/ 000171	171	9/9/2018	KAVITHA CHIMNASAM Y	6356012557	PALAYAM PALAYAM Nallampalli S.O
49	NAGARKUDAL	DWP	17/0212/05/ 000279	279	15-06-2018	Chinnaraj Pachamuthu	9030100006 2000	89 pachayapan kotai pachayapan kotai Nallampalli S.O
50	NALLAMPALLI	IGNDAPS	18/0206/05/ 000205	205	15-06-2018	REVATHI GOVINDARAJ	6070952344	88 NALLAMPALLI NALLAMPALLI Nallampalli S.O
51	NALLAMPALLI	IGNDAPS	18/0206/05/ 000206	206	15-06-2018	GOVINDARAJ MADHAN	6699152093	45 NALLAMPALLI NALLAMPALLI Nallampalli S.O
52	NALLAMPALLI	IGNDAPS	18/0206/05/ 000208	208	15-06-2018	PERUMAKKAL DHANAPAL	6010098483	47 GORAMPALLY 58 Nallampalli S.O
53	LALIGAM	IGNDAPS	18/0206/05/ 000209	209	15-06-2018	RAJESWARI KIANI	1073010000 32304	LALIGAM LALIGAM Nallampalli S.O
54	NALLAMPALLI	IGNDAPS	18/0206/05/ 000210	210	15-06-2018	DHANAPAL GOPAL	774582395	45 NALLAMPALLI NALLAMPALLI Laligam S.O
55	BALAJANGAMA NAHALI	IGNDAPS	18/0206/05/ 000211	211	15-06-2018	SELVI CHINNARAJ	952534020	78 BALAJANGAMANAHALI BALAJANGAMANAHALI Nallampalli S.O
56	NALLAMPALLI	IGNDAPS	18/0206/05/ 000212	212	15-06-2018	SITAMMAL KANDHAN	6015306654	NALLAMPALLI NALLAMPALLI Nallampalli S.O
57	NALLAMPALLI	IGNDAPS	18/0206/05/ 000214	214	15-06-2018	PALANIYAMM AL KANDASAMY	6018156592	52 NALLAMPALLI NALLAMPALLI Nallampalli S.O
58	ELAGIRI	IGNDAPS	18/0206/05/ 000215	215	15-06-2018	KANDASAMY AKKAKI	6598215944	ELAGIRI ELAGIRI Nallampalli S.O

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59	NALLAMPALLI	IGNOAPS	18/0206/05/ 000216	216	15-05-2018	KANADAMMA I. GOPAL	6110284875	22 NALLAMPALLI NALLAMPALLI Nallampalli S.O.
60	NALLAMPALLI	IGNOAPS	18/0206/05/ 000217	217	15-05-2018	AMSA SIVALINGAM	6123654818	25 NALLAMPALLI NALLAMPALLI Nallampalli S.O.
61	KONAKKIHALLI	IGNOAPS	18/0206/05/ 000218	218	15-05-2018	DEVANAI GAVESAN	51471398	40 KONAKKIHALLI KONAKKIHALLI Bilysnur Agstheram S.O.
62	NAGARKUDAL	IGNOAPS	18/0206/05/ 000219	219	15-05-2018	PERUMAL MADANATHAN	9930100001 3909	5 NAGARKUDAL NAGARKUDAL Indur S.O.
63	NALLAMPALLI	IGNOAPS	18/0206/05/ 000220	220	15-05-2018	CHINNASEAMY VEDIVAPPAN	865451820	55 NALLAMPALLI NALLAMPALLI Nallampalli S.O.
64	AJETTTHALLI	IGNOAPS	18/0206/05/ 000221	221	15-05-2018	MARVAMMAL AND	1073010000 15284	62 AJETTTHALLI AJETTTHALLI Nallampalli S.O.
65	NAGARKUDAL	IGNOAPS	18/0206/05/ 000222	222	15-05-2018	PARVATHI NAGARAJ	9930100001 9070	6 NAGARKUDAL Nagarkudal Indur S.O.
66	TOPPUR KAMIGARAHALLI	IGNOAPS	18/0206/05/ 000224	224	15-05-2018	RAJENURAN THAGAVEL NADU	2044414109 0	50 TOPPUR THOOPUR Dpi Chidambaram S.O.
67	AJETTTHALLI	IGNOAPS	18/0206/05/ 000558	958	22-08-2018	Kaliyappan Nanjappan	1073010000 16527	22 Vedapatti ajettthalli Nallampalli S.O.
68	AJETTTHALLI	IGNOAPS	18/0206/05/ 000559	959	22-08-2018	Vediyammal Kaveri	1073010000 21148	36 cangpatti a.jettthalli Nallampalli S.O.
69	AJETTTHALLI	IGNOAPS	18/0206/05/ 000560	960	22-08-2018	Bani Palanisami	1073010000 17096	38 cangpatti a.jettthalli Nallampalli S.O.
70	AJETTTHALLI	IGNOAPS	18/0206/05/ 000561	961	26-08-2018	Gopal Maciyan	1073010000 30714	77 AJETTTHALLI AJETTTHALLI Nallampalli S.O.
71	AJETTTHALLI	IGNOAPS	18/0206/05/ 000562	962	28-08-2018	Annamalai Ponnusamy	1073010000 38688	AJETTTHALLI AJETTTHALLI Nallampalli S.O.
72	AJETTTHALLI	IGNOAPS	18/0206/05/ 000563	963	20-09-2018	Pachiyammal Chennan	1073010000 27704	AJETTTHALLI AJETTTHALLI Nallampalli S.O.
73	PALAYAM	IGNOAPS	18/0206/05/ 000564	964	28-08-2018	Radha Porulan	6551284638	palayam palayam Nallampalli S.O.
74	PAGALAHALLI	IGNOAPS	18/0206/05/ 000565	965	26-08-2018	Lakshmi Krishnan	6551940594	pagalhalli pagalhalli Nallampalli S.O.
75	ADAMANKOTAI	IGNOAPS	18/0206/05/ 000566	966	20-08-2018	Rasathi Kishman	984395839	adiyamakotai adiyamakotai Nallampalli S.O.

76	NAGARKUDAL	IGNOAPS	18/0206/05/ 000967	967	26-08-2018	Rajaammal Ayappan	9930100001 9595	nagarkudal nagarkudal Indur S.O
77	NAGARKUDAL	IGNOAPS	18/0206/05/ 000968	968	26-08-2018	Kaveriyammal Vadamali	9930100005 3922	nagarkudal nagarkudal Indur S.O
78	TADANGAM	IGNOAPS	18/0206/05/ 000970	970	26-08-2018	Prakasam Murugan	1073010000 33385	thadangam thadangam Opi Collectorate S.O
79	NALLAMPALLI	IGNOAPS	18/0206/05/ 000971	971	26-08-2018	Krishnan Ramasamy	6624690322	nallampalli nallampali Nallampalli S.O
80	NAGARKUDAL	IGNOAPS	18/0206/05/ 000972	972	26-08-2018	Alameelu Palani	9930100000 52183	nagarkudal nagarkudal Indur S.O
81	NAGARKUDAL	IGNOAPS	18/0206/05/ 000973	973	26-08-2018	Rathinammal Sivalingam	9930100005 8610	nagarkudal nagarkudal Indur S.O
82	NALLAMPALLI	IGNOAPS	18/0206/05/ 000974	974	26-08-2018	Sakadevan Perumal	827257469	nagarkudal nagarkudal Nallampalli S.O
83	PALAYAM	IGNOAPS	18/0206/05/ 000975	975	26-08-2018	Lakshmi Muthu	929001336	palayam palayam Nallampalli S.O
84	NALLAMPALLI	IGNOAPS	18/0206/05/ 000976	976	26-08-2018	Maddhammal Ramasundram	6018156263	nallampalli nallampali Nallampalli S.O
85	LALIGAM	IGNOAPS	18/0206/05/ 000977	977	26-08-2018	Salammal Chirinasamy	1073010000 51217	laligam laligam Nallampalli S.O
86	LALIGAM	IGNOAPS	18/0206/05/ 000969	978	26-08-2018	Pilominai Appasamy	1073010000 32854	laligam laligam Nallampalli S.O
87	NALLAMPALLI	IGNOAPS	18/0206/05/ 000983	983	30-09-2018	Parvathi Samartham	6068292604	nallampalli nallampali Nallampalli S.O
88	NALLAMPALLI	IGNOAPS	18/0206/05/ 000984	984	30-09-2018	Muniammal Gopal	6045363617	nallampalli nallampali Nallampalli S.O
89	LALIGAM	IGNOAPS	18/0206/05/ 000985	985	30-09-2018	Sivalingam Pachagounder	1073010000 024150	nallampalli nallampali Nallampalli S.O
90	NALLAMPALLI	IGNOAPS	18/0206/05/ 000986	986	7/9/2018	SETTA VIJAYAM	6014320863	45 NALLAMPALLI NALLAMPALI Nallampalli S.O
91	NALLAMPALLI	IGNOAPS	18/0206/05/ 000987	987	7/9/2018	SARAVANAN GOPAL	6278597459	52 NALLAMPALLI NALLAMPALI Nallampalli S.O
92	NALLAMPALLI	IGNOAPS	18/0206/05/ 000988	988	7/9/2018	SARATHA MARI	876878647	NALLAMPALI Nallampalli S.O
93	NALLAMPALLI	IGNOAPS	18/0206/05/ 000989	989	7/9/2018	MAGESWHARI MARI	6533242883	NALLAMPALI NALLAMPALI Nallampalli S.O
94	NALLAMPALLI	IGNOAPS	18/0206/05/ 000990	990	7/9/2018	VEDIYAMMAL GOPAL	6669698251	NALLAMPALLI NALLAMPALI Nallampalli S.O

110	KONANGIHALLI	IGNOAPS	18/0206/05/ 001007	1007	14-09-2018	Rajammal Rajamanickam	96905780	B.AGRAGHARAM/ AGRAGHARAM Bilivanur Agraharam S.O
111	KONANGIHALLI	IGNOAPS	18/0206/05/ 001008	1008	14-09-2018	Chinnasamy Chinnappaiyan	100338826 5	B.AGRAGHARAM/ AGRAGHARAM Bilivanur Agraharam S.O
112	BALAJANGAMA NAHALLI	IGNOAPS	18/0206/05/ 001009	1009	14-09-2018	Surela Madhiyan	6075478181	balajankamahalli balajankamahalli Nallampalli S.O
113	TOPPUR KANIGARAHALLI	IGNOAPS	18/0206/05/ 001010	1010	14-09-2018	Devaraj Chinnappan	3710851845 1	thoppur thoppur thoppur S.O
114	AJETTTHALLI	IGNOAPS	18/0206/05/ 001011	1011	18-09-2018	Meni Chinnasamy	1073010000 16598	117 a.jettihalli thengamarthupatti Nallampalli S.O
115	AJETTTHALLI	IGNOAPS	18/0206/05/ 001014	1014	18-09-2018	Govindhamma Perumal	1073010000 32188	121 a.jettihalli Errapatti Nallampalli S.O
116	AJETTTHALLI	IGNOAPS	18/0206/05/ 001015	1015	18-09-2018	Madhyan Angappan	1073010000 26925	44 a.jettihalli Errapatti Nallampalli S.O
117	M.REDDIHALLI	IGNOAPS	18/0206/05/ 001016	1016	18-09-2018	Ganithi Elango	1073010000 52650	32 mittareedhalli Chinnareethalli Lalgam S.O
118	M.REDDIHALLI	IGNOAPS	18/0206/05/ 001017	1017	18-09-2018	Joseph Aroldyasamy	1073010000 21605	35 mittareedhalli Boopatti Lalgam S.O
119	AJETTTHALLI	IGNOAPS	18/0206/05/ 001018	1018	18-09-2018	Chinnappappa Perumal	1073010000 17876	37 a.jettihalli Errapatti Nallampalli S.O
120	AJETTTHALLI	IGNOAPS	18/0206/05/ 001019	1019	18-09-2018	Makshmi Mari	1073010000 30940	221 a.jettihalli Thokampattinettuk Nallampalli S.O
121	M.REDDIHALLI	IGNOAPS	18/0206/05/ 001020	1020	18-09-2018	Krishnan Kaliyappan	1073010000 26058	236 mittareedhalli Vaniyankatti Lalgam S.O
122	M.REDDIHALLI	IGNOAPS	18/0206/05/ 001021	1021	18-09-2018	Bhimaavathi Rajagopal	1073010000 60121	231 mittareedhalli Boopatti Lalgam S.O
123	M.REDDIHALLI	IGNOAPS	18/0206/05/ 001022	1022	18-09-2018	Peruma Palanisamy	1073010000 26418	364 mittareedhalli Mittareedahli Lalgam S.O
124	ADAMANKOTT AI	IGNOAPS	18/0206/05/ 001051	1051	25-09-2018	Maliga Velmurugan	6028257894	adiyamankotai Nallampalli S.O
125	NALLAMPALI	IGNOAPS	18/0206/05/ 002052	1052	25-09-2018	Pannakkal Mari	853185881	NALLAMPALI NALLAMPALI Indur S.O
126	NALLAMPALI	IGNOAPS	18/0206/05/ 001053	1053	25-09-2018	Krishnan Thirthamalai	6127934229	NALLAMPALI NALLAMPALI Nallampalli S.O

144	NATTAHALLI	IGNOAPS	18/0206/05/ 001071	1071	29-09-2018	Parvathi CHINNARASAMY	9930100005 4622	nathahalli nathahalli Bennimidi S.O
145	DINNAHALLI	IGNOAPS	18/0206/05/ 001072	1072	30-09-2018	Madharmal Govindarajan	1073010000 61054	dinahalli dinahalli Laligam S.O
146	DINNAHALLI	IGNOAPS	18/0206/05/ 001073	1073	30-09-2018	Lakshmi Kasi Late	1073010000 26483	dinahalli dinahalli Laligam S.O
147	NALLAMPALLI	IGNOAPS	18/0206/05/ 001074	1074	2/10/2018	Madhan Perumal	6680664291	NALLAMPALLI NALLAMPALLI Nallampalli S.O
148	NALLAMPALLI	IGNOAPS	18/0206/05/ 001075	1075	2/10/2018	Duraisamy Palani	6667536888	NALLAMPALLI NALLAMPALLI Nallampalli S.O
149	BUDANAHALLI	IGNOAPS	18/0206/05/ 001076	1076	2/10/2018	Perumal Ramesamy	1073010000 11272	budhanalli budhanahalli Laligam S.O
150	NALLAMPALLI	IGNOAPS	18/0206/05/ 001077	1077	2/10/2018	Dhanam Rajendran	1198778161	NALLAMPALLI NALLAMPALLI Nallampalli S.O
151	BUDANAHALLI	IGNOAPS	18/0206/05/ 001078	1078	2/10/2018	Perumalkkal Perumal	1073010000 52694	budhanalli budhanahalli Laligam S.O
152	M. REDDIHALLI	IGNOAPS	18/0206/05/ 001079	1079	2/10/2018	Sivalingam Pachiyagounde	1073010000 24151	M. REDDIHALLI M. REDDIHALLI Laligam S.O
153	NATTAHALLI	IGNOAPS	18/0206/05/ 001081	1081	30-08-2018	VALLIAMMAL JAMAKKALACH ETTI	9930100005 6052	NATTAHALLI Bennimidi S.O
154	AJETHIHALLI	IGNOAPS	18/0207/05/ 001137	1137	10-09-2018	Kageshwari Dhanapal	1073010000 12516	565 ajethihalli Thadode Nallampalli S.O
155	M. REDDIHALLI	UWP	17/0206/05/ 001017	17	15-06-2018	Selnameri Madalamuthu	1073010000 21949	565 m.reddihalli m.reddihalli Laligam S.O

குற்றச்சாட்டு : 2

பேர்தகனும் குற்றச்சாட்டுகளின் பேரில் கனது பணியின் முழு அளவில் நேர்மையுடன், பற்றும் இல்லாதவராக தன்னை நடத்திக்கொண்டதின் மூலம் 1973-ம் ஆண்டு ஐந்தாம் அரசுப்பணியாளர்களின் நடத்தை விதி 20-ஐ மீறியுள்ளார்.

WEB COPY

மாண. அட்சியின்
நேர்முக உதவியாளர் (பொது)
தருமபுரி

Annexure II provides statement of allegations and Annexure III provides the list of documents for establishing the charges. Thus there is no infirmity, as such, in respect of charges

framed against the writ petitioner.

2.The learned counsel appearing for the petitioner states that the writ petitioner is innocent of the allegations as he was not working in the particular post during the relevant point of time. Thus, the writ petitioner is not responsible for the allegations set out in the impugned charges. However, this Court is not inclined to consider the case on merits, in view of the fact that all such complex facts and circumstances are to be adjudicated by the competent authority, with reference to the original files available and by adducing evidences, the writ petitioner is bound to participate in the process of enquiry and prove his innocence by availing the opportunity to be provided by the disciplinary authorities. Contrarily the charge memo cannot be quashed on merits and by appreciating the factual details, now set out in the affidavit filed in support of the writ petition. Under this circumstances, it is left open to the writ petitioner to submit his explanations/objections on the allegations by availing the opportunity to be provided.

3.This being the factum, the charge memo cannot be quashed in the routine manner.

4.Therefore, this Court is of the opinion that there is no infirmity in the charge memo framed against the writ petitioner. A charge memo can be challenged on a limited ground and a judicial review against the charge memo is certainly limited. A charge memo can be challenged on limited grounds and the Court can entertain a writ petition on exceptional circumstances. A charge memo can be challenged, if the same was issued by an incompetent authority having no jurisdiction, an allegation of mala fides is raised if the same is in violation of statutory rules. Even in case of raising the allegation of mala fides, the authority against whom such an allegation is raised, has to be impleaded as a party respondent in the writ proceedings in his personal capacity. In the absence of any such legal grounds, no charge memo can be entertained by way of writ petition.

5.Intermittent intervention in the disciplinary proceedings is not preferable. However, only on exceptional circumstances, this Court can issue a direction against the proceedings and not in a routine manner. Mere issuance of a call letter to the writ petitioner directing him to participate in the domestic enquiry will not give any cause of action to move this writ petition under Article 226 of the Constitution of India. Thus, the writ petition is absolutely misconceived and the grounds raised in this writ petition cannot be considered.

6. The Honourable Supreme Court of India in the case of Union of India and others Vs. Upendra Singh, reported in (1994)

3 SCC 357 held as follows:

"6. In the case of charges framed in a disciplinary inquiry the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be. The function of the court/tribunal is one of judicial review, the parameters of which are repeatedly laid down by this Court. It would be sufficient to quote the decision in H.B. Gandhi, Excise and Taxation Officer-cum- Assessing Authority, Kamal v. Gopi Nath & Sons. The Bench comprising M.N. Venkatachaliah, J. (as he then was) and A.M. Ahmadi, J., affirmed the principle thus : (SCC p. 317, para 8)

"Judicial review, it is trite, is not directed against the decision but is confined to the decision-making process. Judicial review cannot extend to the examination of the correctness or reasonableness of a decision as a matter of fact. The purpose of judicial review is to ensure that the individual receives fair treatment and not to ensure that the authority after according fair treatment reaches, on a matter which it is authorized by law to decide, a conclusion which is correct in the eyes of the Court. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. It will be erroneous to think that the Court sits in judgment not only on the correctness of the decision making process but also on the correctness of the decision itself."

7. In the case of Secretary, Ministry of Defence and Others Vs. Prabhash Chandra Mirdha, reported in (2012) 11 SCC 565, the Apex Court of India held that normally, a Charge memo is not liable to be quashed as it does not adversely affect the rights of an employee and does not give rise to any cause of action. A writ lies only when some right of a party is infringed. The charge memo does not infringe the right of a party. It is only when a final order imposing punishment or otherwise, it may have

a cause of action. Hence, writ petition challenging charge memo by itself is not maintainable. However, it can be quashed on the ground that issuing authority being not competent to issue the same.

8. In the case of Union of India and another vs. Kunishetty Satyanarayana [(2006) 12 SCC 58], it was held that writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not be ordinarily exercised by quashing a charge memo. No doubt, in some very rare and exceptional cases, the High Court can quash a charge memo if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal.

9. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

av/sai

To

1. The District Collector,
Dharmapuri,
Dharmapuri District.

2. The Personal Assistant (General)
to the District Collector,
Dharmapuri,
Dharmapuri District.

3. The Special Tahsildar (S.S.S)
Nallampalli Taluk,
Dharmapuri District.

+lcc to Mr.C.Umashankar, Advocate, S.R.No.19088

+lcc to the Government Pleader, S.R.No.18923

W.P.No.32022 of 2018

SSI (CO)

RRS (16/04/2019)