



WEB COPY

WA(MD)NO.863 OF 2019
and
C.M.P(MD)No.7583 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)NO.863 OF 2019
and
C.M.P(MD)No.7583 of 2019**

R.Rajaram

:Appellant/Petitioner

.vs.

1.The Director General of Police,
Kamarajar Salai(Beach Road),
Chennai - 600 004.

2.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3.The District Superintendent of Police,
Madurai District,
Madurai.

4.The Additional Superintendent of Police,
Madurai.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.9250 of 2015, dated 18.07.2019.

Prayer in WP(MD) . 9250/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for records pertaining to the impugned charge memo issued by the 2nd respondent in Na.Ka.No.Tha.Pa.No.37/2014 , Madurai District, dated 03.04.2014 and quash the same.



For Appellant

:Mr.R.Subramanian

For Respondents

:Mr.VR.Shanmuganathan
Special Govt.Pleader

WEB COPY

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court made in W.P(MD)No.9250 of 2015, dated 18.07.2019.

2.The appellant is the Writ Petitioner. He filed the above Writ Petition challenging the charge-memo issued by the second respondent, dated 3.4.2014. The Writ Court, after considering the merits of the contentions raised in the Writ Petition and after hearing both sides, passed a detailed order holding that the Writ Petition filed against the charge-memo cannot be entertained. Accordingly, the Writ Court, dismissed the Writ Petition.

3.The grievance of the appellant before this Court is that the charge-memo was issued with total non-application of mind, without even looking into the relevant provisions of the Rules and therefore, this Court can certainly interfere with the charge-memo.

4.The learned counsel for the appellant vehemently contended that the facts and circumstances if looked into properly, would certainly show that very basis of the charges, challenged in the Writ Petition, cannot be sustained. We are not impressed upon the above submissions made by the learned counsel for the appellant, for the simple reason that by making the above submissions, the learned counsel for the appellant wants this Court to convert itself as an Enquiry Officer, to find out as to whether the charges levelled against the Petitioner is proved or not. Needless to say that the very attempt of the Petitioner to challenge the charge-memo, cannot be appreciated since, admittedly, the competency or jurisdiction of the authority, who issued the charge- memo, is not questioned. Therefore the appellant is to face the enquiry and raise all the contentions as has been raised herein before the Enquiry Officer at the time of enquiry and also while challenging the final order, if any, adversely passed against him, after concluding the enquiry. Therefore, we are not inclined to interfere with the order passed by the Writ Court, which in our view, has rightly considered the merits of the contentions raised by the Petitioner as well as the case laws in respect of the challenge against the charge-memo and dismissed the Writ Petition.



5. Accordingly, the Writ Appeal fails and the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director General of Police,
Kamarajar Salai (Beach Road),
Chennai - 600 004.
 2. The Deputy Inspector General of Police,
Madurai Range,
Madurai.
 3. The District Superintendent of Police,
Madurai District,
Madurai.
 4. The Additional Superintendent of Police,
Madurai.
- +1 CC to Mr. R. SUBRAMANIAN, Advocate SR-82954.
+1 CC to SPL GP SR-83221.

JUDGMENT MADE IN
W.A(MD)NO.863 OF 2019
and
C.M.P (MD)No.7583 of 2019
21.08.2019

CS (12.09.2019) 3P 7C