

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.Nos.1943, 1946, 1952, 1955 & 1958 of 2020
and W.M.P.Nos.2274, 2281, 2290, 2295 & 2297 of 2020

V.Selvakumar ... Petitioner in all WPs

-vs-

1. The Registrar General,
High Court of Madras,
Chennai.

2. Disciplinary Authority/
The Principal District Judge,
Combined Court Building,
Near Collector Office,
Tiruchengode Road,
Namakkal - 637003.

... Respondents in all WPs

Prayer in WP.Nos.1943 & 1958 of 2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the second respondent made in ROC No.6449/A/2018 dated 31.05.2019 and quash the same as illegal, arbitrary and non - est in law.

Prayer in WP.No.1946/2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the second respondent made in ROC No.1372/A/2018 dated 22.02.2019 and quash the same as illegal, arbitrary and non - est in law.

Prayer in WP.No.1952/2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the second respondent made in ROC No.9939/A/2018 dated 22.02.2019 and quash the same as illegal, arbitrary and non - est in law.

Prayer in WP.No.1955/2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the second respondent made in ROC No.9940/A/2018 dated 22.02.2019 and quash the same as illegal, arbitrary and non - est in law.

For Petitioner in all : Mr.M.Nandhakumar
WPs for Mr.Eswar Kumar and Rao

For Respondents in all : Mr.V.Balamurugan
WPs

COMMON ORDER

(Delivered by The Hon'ble Chief Justice)

These are five writ petitions filed by the petitioner praying for quashing of the proceedings initiated for holding disciplinary enquiry against the petitioner in respect of five different incidents.

2. The contention is that in all the five matters, the charges are based on allegations of very minor lapses which cannot end up in any major penalty and, therefore, the framing of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is unwarranted. The contention is that neither the gravity nor the ingredient of the charges appear to be so serious so as to invite a major penalty.

3. In two writ petitions, namely W.P.Nos.1943 and 1958 of 2020, challenge has been raised to the memos that have been issued indicating neglect on the part of the petitioner in not checking and putting up casual leave applications and permission requisitions of the Judicial Officers promptly.

4. In W.P.Nos.1946, 1952 and 1955 of 2020, the allegations are that the exhibit seal and particulars in respect of the files referred to therein were not filled in and the signatures of the then Presiding Officer were not obtained, when it is the bounden duty of the staff who attends the open Court to affix the exhibit seals in the documents that were marked as exhibits and fill up the particulars and thereafter obtain the signature of the concerned Officer.

5. The submission in these three writ petitions is on the same grounds contending that the charges are not serious enough so as to warrant imposition of any major penalty and, therefore,

the proceedings initiated in terms of Rule 17(b) of the Rules deserve to be quashed.

6. We have considered the submissions and having heard the learned counsel, we find that framing of charges under Rule 17 (b) of the Rules does require a prima facie seriousness of the charge to be evaluated for imposition of any major penalty. It would, therefore, have been appropriate for the Disciplinary Authority to have considered the same in the light of Rule 17(a) of the Rules in order to assess the seriousness of the charges, as the contention of the petitioner is that even assuming though not admitting that the charges could have been framed, the same could have been only for a minor punishment and not a major penalty.

7. We are not interfering with the impugned orders in all the writ petitions, but we dispose of the same leaving it open to the Disciplinary Authority to consider in the facts and circumstances of the cases as to the applicability of the provisions, as referred to herein above. We expect that the Disciplinary Authority shall consider the same and the proceedings shall be concluded preferably within two months from today.

8. The writ petitions stand disposed of with the aforesaid observations. No costs. The connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sni/sra
To

1. The Registrar General,
High Court of Madras,
Chennai.

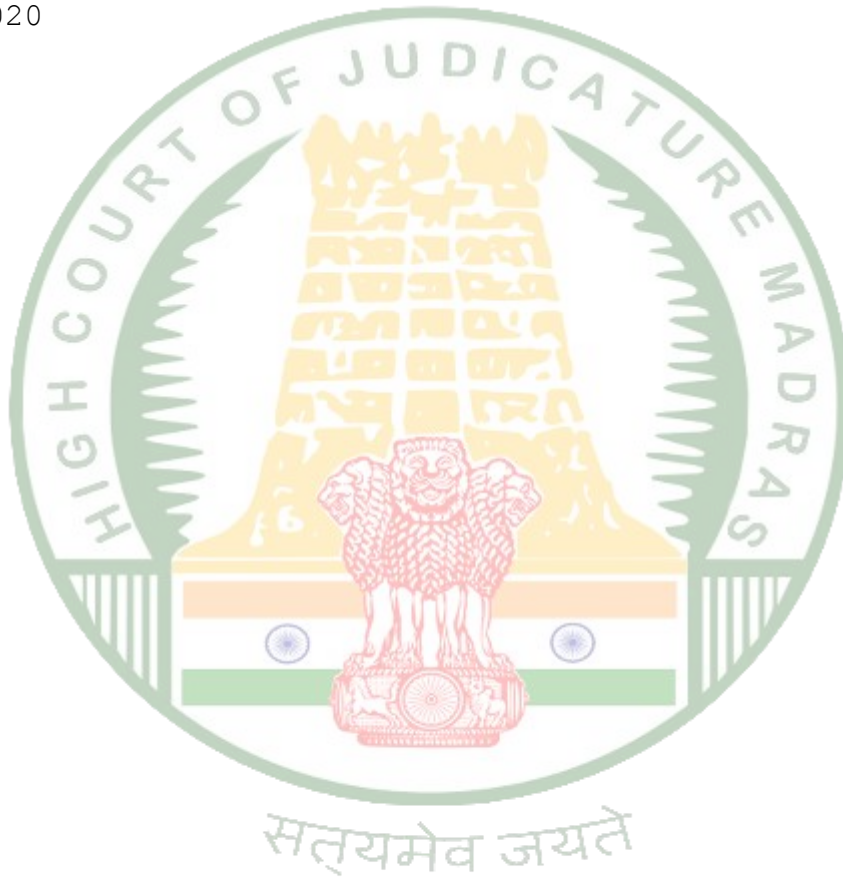
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2. Disciplinary Authority/
The Principal District Judge,
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+lcc to Mr.Eswar Kumar Advocate sr7149

W.P.Nos.1943, 1946, 1952, 1955 & 1958 of 2020

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