

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2680 of 2020

and

WMP No.3105 of 2020

Tmt.R.Malarkodi

.. Petitioner

.v.

1.The Secretary T.N.Construction Workers,
Welfare Board,
Nungambakkam,
Chennai-34.

2.The Commissioner of Labour,
O/o.the Commissioner of Labour,
Chennai-6.

3.A.Divyanathan,
Joint Commissioner of Labour,
Salem.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent charge memorandum No.A2/16139/2018, dated 17.10.2018 of the Secretary, Tamil Nadu Construction Workers Welfare Board, Chennai-34 and quash the same.

For Petitioner : Mr.M.Liagat Ali

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the Charge Memo issued by the 1st respondent by his proceedings dated 17.10.2018.

2.The case of the petitioner is that she was working as an Assistant Commissioner of Labour in the Labour Department. In the year 2018, a Charge Memo came to be issued against the petitioner by stating 7 Charges, which essentially alleges that the petitioner is involved in

corrupt practice. The petitioner has also given a reply for this Charge Memo and the enquiry is being kept pending from the year 2018 onwards. The further case of the petitioner is that atleast 4 Enquiry Officers have been appointed in the present case, however there is absolutely no progress in the departmental enquiry and therefore, the petitioner left with no other option, has approached this Court questioning the Charge Memo on the ground that the authority, who has issued the Charge Memo does not have the jurisdiction to issue the Charge Memo.

3.Heard Mr.M.Liagat Ali, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already given her explanation to the Charge Memo, there shall be a direction to the 3rd respondent to proceed further with the enquiry and submit a report before the 1st and 2nd respondents within a period of six weeks from the date of receipt of copy of this order. On receipt of the enquiry report, the 1st and 2nd respondents shall proceed further and complete the disciplinary proceedings within a period of four weeks thereafter.

This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Secretary T.N. Construction Workers,
Welfare Board,
Nungambakkam, Chennai-34.

2.The Commissioner of Labour,
O/o.the Commissioner of Labour,
Chennai-6.

3.A.Divyanathan,
Joint Commissioner of Labour, Salem.

+1cc to Mr.K.Liagath Ali , Advocate SR.No. 9227

+1 cc to Government Pleader Sr.No. 10410

W.P.No.2680 of 2020

A.SK(11/02/2020)

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