

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.13288 OF 2020

AND

W.M.P.NOS.16422 AND 16425 OF 2020

K.Kamaraj

... Petitioner

-Vs-

1 The Commissioner Adi Dravidar
Welfare Department Chepauk Chennai

2 The Director
Adi Dravidar Welfare Department Ezhilagam
Chepauk Chennai

3 District Adi Dravidar Welfare Officer
Cuddalore Dt

4 The Special Tahsildar
Adi Dravidar Welfare Virudhachalam Tk
Cuddalore Dt

... Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in pursuant to the impugned order in Na.Ka. No. 01/ 6840/ 2015 dated 24.01.2020 and the enquiry report connected thereto and to quash the same and to direct the respondents to permit the petitioner to retire by 31.03.2020 with all the retirement benefits.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.P.V.Selva Kumar
Additional Government Pleader

O R D E R

The matter was taken up through Web-hearing.

2. The writ petition is filed seeking to challenge the show cause notice issued against the petitioner dated 24.01.2020

directing the petitioner to show cause as to why further action should not be taken against him in pursuance of the charge memo issued to him and also in pursuance of the enquiry report dated 26.04.2018.

3. In the affidavit filed in support of the writ petition, this Court nowhere finds as to how exactly the petitioner is aggrieved by the show cause notice. In fact the averments contained in the affidavit including the grounds are only in relation to the transfer of the petitioner to different places during his tenure. This Court is unable to comprehend exactly the grounds of challenge to the show cause notice issued against the petitioner. The grounds as they appear in the writ petition are extremely shallow and lacking in legal sense for this Court to take that as the basis for ordering notice in the writ petition.

4. Moreover, the facts which are stated in the affidavit lack coherence and appear to be disjointed and cumulatively they do not make any legal sense for this Court to appreciate as to why the petitioner has chosen to challenge the show cause notice issued by the authorities after the enquiry report was furnished to the petitioner. The fact that the petitioner was due for retirement by 31.03.2020 was rightly denied in view of the pendency of the disciplinary action.

5. Unless the disciplinary action comes to an end, the question of the petitioner being permitted to retire would not arise. Even otherwise, challenge to the show cause notice is premature and it cannot be entertained by this Court particularly under the circumstances explained by the petitioner in the affidavit filed in support of the petition.

6. For the above stated reasons, this Court finds that the writ petition is neither maintainable being premature nor to be entertained as being completely devoid of substance and merits and hence it is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

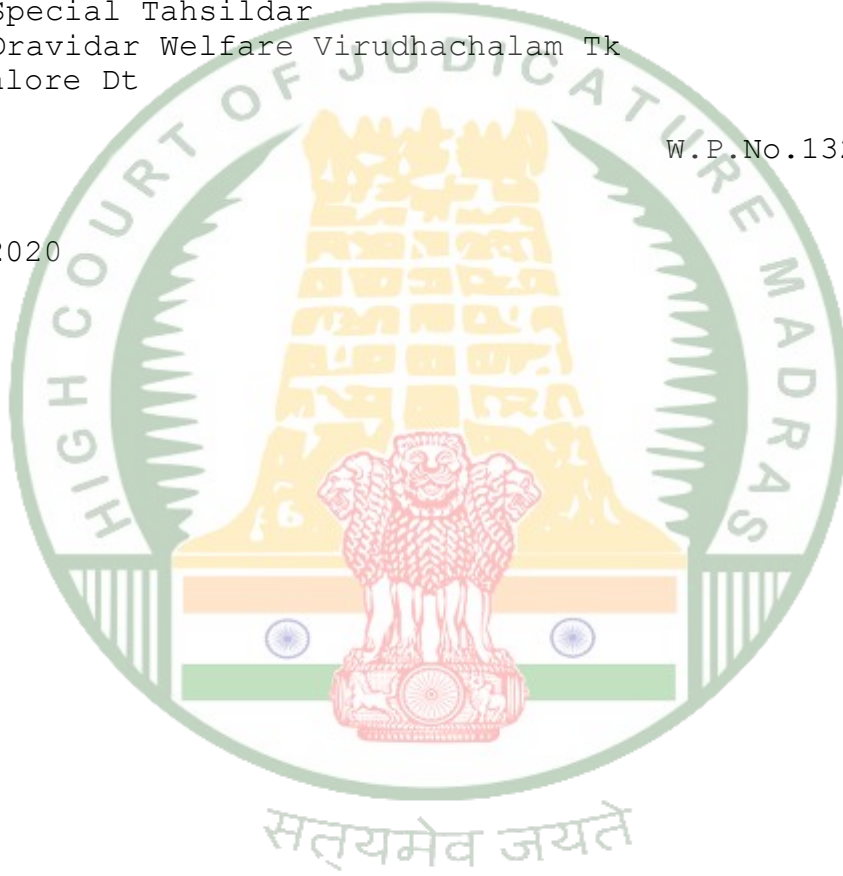
KST

To

- 1 The Commissioner Adi Dravidar
Welfare Department Chepauk Chennai
- 2 The Director
Adi Dravidar Welfare Department Ezhilagam
Chepauk Chennai
- 3 District Adi Dravidar Welfare Officer
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- 4 The Special Tahsildar
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Cuddalore Dt

W.P.No.13288 of 2020

PVS (CO)
CS/10/12/2020



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