IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.10638 of 2020 and
W.M.P.Nos.12925 & 12934 of 2020

U.Jayachandran ... Petitioner

Vs.

1.The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Fort St. George,
Chennai-600 009

2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai-600 034

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Vellore-9 ... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the order of suspension in Pro.Rc.No.72070/2019/L.1, dated 11.12.2019 passed by the second respondent and charge memo in Na.Ka.No.11933/2019/A1 dated 12.12.2019 passed by the third respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all consequential monetary and other benefits.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.K.Venkatesh,GA

O R D E R

This matter is taken up through web hearing.

2. The petitioner has approached this Court for seeking the following relief,

"to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the order of suspension in Pro.Rc.No.72070/2019/L.1, dated 11.12.2019 passed by the second respondent and charge memo in Na.Ka.No.11933/2019/A1 dated 12.12.2019 passed by the third respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all consequential monetary and other benefits."

3. The case of the petitioner is as follows:

3.1 The petitioner was working as the Executive Officer of Arulmigu Sundereswarar Swamy Thirukovil, kovur, Alandura taluk, Kancheepuram District. The temple comes under the control of HR & CE Department, Government of Tamilnadu. The temple administration had noticed certain irregularities in handling the accounts of the temple by one Mr.Vengadesan, who was the Accountant of the temple and due to the irregularity, the temple had suffered huge loss. According to the temple administration, there was a falsification of the temple accounts and a criminal complaint was lodged against the said Vengadesan for various offences under Sections 147, 148, 341, 324, 332, and 307 IPC including alleged act of attempt to murder on the Executive Officer of the temple.

3.2 As far as the petitioner herein is concerned, in relation to the said charges against the said Vengadesan, finding that the petitioner himself was partially responsible, was placed under suspension by the second respondent on 11.12.2019. Thereafter, a charge memo was issued on 12.12.2019 by the third respondent, containing 7 articles of charges. The charges levelled against the petitioner appear to be very serious in nature in regard to certain financial irregularities causing huge loss to the temple where the petitioner was employed as the Executive Officer.

4. In the above circumstances, the writ petition is filed strangely challenging both the suspension order dated 11.12.2019 and subsequent charge memorandum dated 12.12.2019.

5. Mr.L.Chandra Kumar, learned counsel appearing for the petitioner submitted that for the mis-conduct of the Accountant Shri.Vengadesan, the petitioner has been unnecessarily suspended from service and a charge memorandum was also issued against him. According to the learned counsel, the charges are baseless and unsustainable. Since the charges are without basis, the suspension of the petitioner was also uncalled for.

6. This Court is unable to appreciate firstly as to how both the suspension order as well as the charge memorandum can be the subject matter of challenge in one writ petition.

The grounds of challenge of suspension and charge memorandum cannot be the same and both the reliefs cannot be clubbed together, at all. On these grounds alone, the Writ Petition is liable to be dismissed for seeking multiple reliefs, which cannot co-exist in a single writ petition.

7. Even otherwise, this Court is unable to comprehend as to the basis of the challenge to the suspension as well as to the charge memorandum only on the basis of self-serving averments of the petitioner. When this Court finds that the charges are too serious in nature which are levelled against the petitioner, the question of interference with the disciplinary proceedings on the basis of the factual averments of the petitioner as explanation to the charge memorandum does not arise at all.

8. This Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot be expected to appreciate the explanation of the petitioner to the charge memorandum and on that basis, interfere with the charge memorandum. The petitioner, by approaching this Court on the basis of the factual averments alone in the Writ Petition, has completely misread the judicial review to be undertaken by the Constitutional Court under Article 226 of the Constitution of India. Although, the learned counsel would submit that the Writ Petition may be confined in respect of challenge to the suspension order, this Court is not inclined to accept the said submission for the simple reason that no grounds have been raised in the Writ Petition specifically assailing the suspension order. The Writ Petition of this nature, cannot rest on factual averments alone, devoid of any legal grounds. Attempt to maintain the Writ Petition challenging both the suspension order and the charge memorandum on the basis of the factual averments amounted to belittling the jurisdiction of this Court, as if this Court is the enquiry officer or the disciplinary authority.

9. On the whole, this Court is of he view that the Writ Petition is ill-conceived and is unsustainable in law. In the above circumstances, the Writ Petition stands dismissed as being devoid of merits and substance. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

dn/suk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Fort St. George,
Chennai-600 009

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai-600 034

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Vellore-9

+1cc to the Government Pleader, S.R.No.26864

VG-II(CO)
EU 31.08.2020

W.P.No.10638 of 2020