

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12464 of 2020
and W.M.P.No.15378 of 2020

K.Elumalai

...Petitioner

-Vs-

- 1 The District Collector
Villupuram
- 2 The Personal Assistant to District Collector
Development Villupuram
- 3 The Assistant Director
Village Panchayats Villupuram
Villupuram District
- 4 The Block development officer
Vanur Panchayat Union, Villupuram District
- 5 V.Kasthuri
W/o Vasudevan President Nallavur Village
Panchayat Vanur Panchayat Union
Villupuram District
- 6 Sakthivel
Vice President Nallavur Village Panchayat
Vanur Panchayat Union, Villupuram District

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to furnish all the documents that formed the basis for issuance of the Charge Memo to the petitioner under Na.Ka.No. BD3 / 7892 / 2019 dated 7.2.2020 so as to enable the petitioner to submit reply by considering the representation given by the petitioner on 14.3.2020 to the respondents 1 to 4 and also forebear the respondents 1 to 4 from proceedings with the departmental action against the petitioner until all the papers forming basis for charge against the petitioner are served to the petitioner.

For Petitioner : Mr.N.Suresh
For Respondents : Mr.V.Kathirvelu, Special Government
Pleader
- for RR 1 to 3
Mr.J.Ramesh, Additional Government
Pleader
- for R4

O R D E R

The matter was taken up through Web-hearing.

2. The Writ Petition is filed against the Charge Memorandum dated 07.02.2020 for certain alleged irregularities committed by the petitioner. This Court was not inclined to entertain the writ petition since no acceptable grounds have been raised in the writ petition to interfere at the stage of Charge Memorandum. However, the learned counsel for the petitioner would submit that the petitioner was precluded from giving effective representation / explanation to the Charge Memorandum, as none of the document relied on in the charge memorandum has been furnished to the petitioner. Only on that limited ground, notice was ordered in order to ascertain as to whether copies of the documents relied on by the Department have been furnished to the petitioner or not.

3. In response to the notice, Mr.V.Kathirvelu Special Government Pleader entered appearance on behalf of the respondents 1 to 3 and Mr.J.Ramesh, Additional Government Pleader entered appearance on behalf of the fourth respondent. During the pendency of the writ petition, it transpired that the documents relied on by the Department have been furnished to the petitioner recently on 26.09.2020. Since notice was ordered only on the plea of non-furnishing of the documents by the Department and now that the documents have been furnished, this Court does not think that the writ petition can be entertained any further.

4. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed. It is open to the petitioner to submit his representation / explanation to the Charge Memorandum and participate in the enquiry proceedings.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector
Villupuram
 - 2 The Personal Assistant to District Collector
Development Villupuram
 - 3 The Assistant Director
Village Panchayats Villupuram
Villupuram District
 - 4 The Block development officer
Vanur Panchayat Union, Villupuram District
- +1cc to the Government Pleader in SR.NO.32145

W.P.No.12464 of 2020

RV(13/10/2020)



WEB COPY