

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.14359 of 2020

&

W.M.P.Nos.17831 & 17833 of 2020

C.Deiva

... Petitioner

Vs.

The District Collector,
Salem District, Salem.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of impugned charge memo proceedings in Na.Ka.No.39337/2015/Ni 1 dated 03.03.2016 and consequential order passed in Na.Ka.No.39337/2015/Ni 1 dated 24.04.2017 passed by the respondent and quash the same subsequently reinstate the petitioner into the service by revoke prolonged suspension order dated 11.12.2015.

For Petitioner : Mr.M.Subash

For Respondents : Mr.R.A.S.Senthil Vel
Additional Government Pleader

ORDER

This writ petition is filed for the following prayer;

"To call for the records of impugned charge memo proceedings in Na.Ka.No.39337/2015/Ni 1 dated 03.03.2016 and consequential order passed in Na.Ka.No.39337/2015/Ni 1 dated 24.04.2017 passed by the respondent and quash the same subsequently reinstate the petitioner into the service by revoke prolonged suspension order dated 11.12.2015."

2.The writ petitioner who is a Deputy Block Development Officer has come up with this writ petition challenging both charge memorandum dated 03.03.2016 and suspension order dated 24.04.2017. This Court is not inclined to entertain the writ

petition, as these two distinct challenges cannot be maintained in one writ petition. It is needless to mention that challenges to the orders of suspension and charge memo are completely different and the petitioner cannot club two distinct reliefs in one writ petition. Moreover, from the grounds raised in the writ petition, this Court is unable to appreciate that the challenge to the charge memo is absolutely without any merits and substance. No valid ground has been raised for interfering with the charge memo. Therefore, this Court is of the view that the writ petition is to be dismissed as not maintainable.

3.However, at this, the learned counsel for the petitioner would submit that the petitioner may be given liberty to challenge the suspension order separately by raising grounds in support of the challenge and the dismissal of this writ petition may be confined to a challenge to the charge memo alone.

4.Considering the request of the learned counsel for petitioner, the Writ Petition stands dismissed insofar as challenge to the charge memo in Proceedings in Na.Ka.No.39337/2015/N1 1 dated 03.03.2016 and liberty is granted to the petitioner to work out his remedies in a manner known to law, insofar as suspension is concerned, if he is so advised.

5.Therefore, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/pns

To

1.The District Collector,
Salem District, Salem.

+1 cc to The Government Pleader, Sr.No. 33089

W.P.No.14359 of 2020

BR(CO)

RMP(10/11/2020)