

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 13.10.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.14759 of 2020  
and

W.M.P.Nos.18340 & 18343 of 2020

N.Vijaya

...Petitioner

Vs.

- 1.The Commissioner,  
Khadi Village Industries Commission,  
No.126 Avvai Shanmugam Road,  
Gopalapuram, Chennai - 600 086.
- 2.The Secretary,  
Tirupattur Sarovdaya Sangh  
No.87, Gandhi Road,  
Tirupattur 635 601.
- 3.C.Lokeswaran,  
Secretary, Tirupattur Sarvodaya Sangh,  
No.87 Gandhi Road,  
Tirupattur 635 601.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorarified mandamus calling for the records of the second respondent in Thee.Sa.Sa.Ka.No.115/13 - 2021 dated 09.09.2020 and quash the same and consequently direct the 1<sup>st</sup> respondent to conduct an Independent Enquiry into accounts of the second respondent Sangh and take further action based upon said enquiry.

For Petitioner : Ms.Dakshayani Reddy

For Respondents: S.K.Bose

Standing Counsel

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ORDER

The petitioner herein is aggrieved by the issuance of a charge memorandum dated 09.09.2020, containing 4 articles of charges alleging certain irregularities in the discharge of duties of the petitioner, as an employee of the second respondent/Sangh. According to the petitioner that she is working as Assistant and the charge memo issued against her was

motivated. The charges which were framed are on the basis of the report, which itself was tainted with irregularities and the third respondent has initiated the disciplinary action against the petitioner only to wreak vengeance on her. According to the petitioner, the petitioner has earlier approached this Court in W.P.No.30255 of 2019, and she appears to have obtained some interim order enabling her to continue to work as Assistant. Therefore, the third respondent took umbrage to the petitioner's approaching this Court and further third respondent has been indulging in corrupt activities. In order to victimize the petitioner, charge memorandum has been issued.

2.This Court is unable to appreciate as to how on the basis of self-serving averments of the petitioner, this Court can interfere with the charge memorandum. Interference with the charge memorandum by Courts is only on a very limited ground like jurisdictional error and clear case of malafides.

3.As far as the present case on hand is concerned, nothing is disclosed in the affidavit in support of the contention that the petitioner being wantedly, deliberately victimized by the third respondent. The petitioner has come up with vague allegations of corruption against the third respondent which do not merit any serious consideration by this Court. The grounds raised in the affidavit also do not warrant any serious adjudication and in such view of the matter, this Court is not inclined to entertain the writ petition.

4.It is always open to the petitioner to face disciplinary action and come out unscathed but she cannot seek to stall the disciplinary action on the specious reasons and grounds stated in the affidavit. What the petitioner cannot achieve directly by challenging the charge memorandum has now attempted to achieve indirectly by raising a bogey of allegations against the third respondent. This Court on the basis of generic allegations against the authority who issued the charge memorandum and interfere with the charge memorandum, acting on the sole premise of factual averments of self interested petitioner.

5.Accordingly, this Court finds no merit in this writ petition and hence dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

mrm/pns

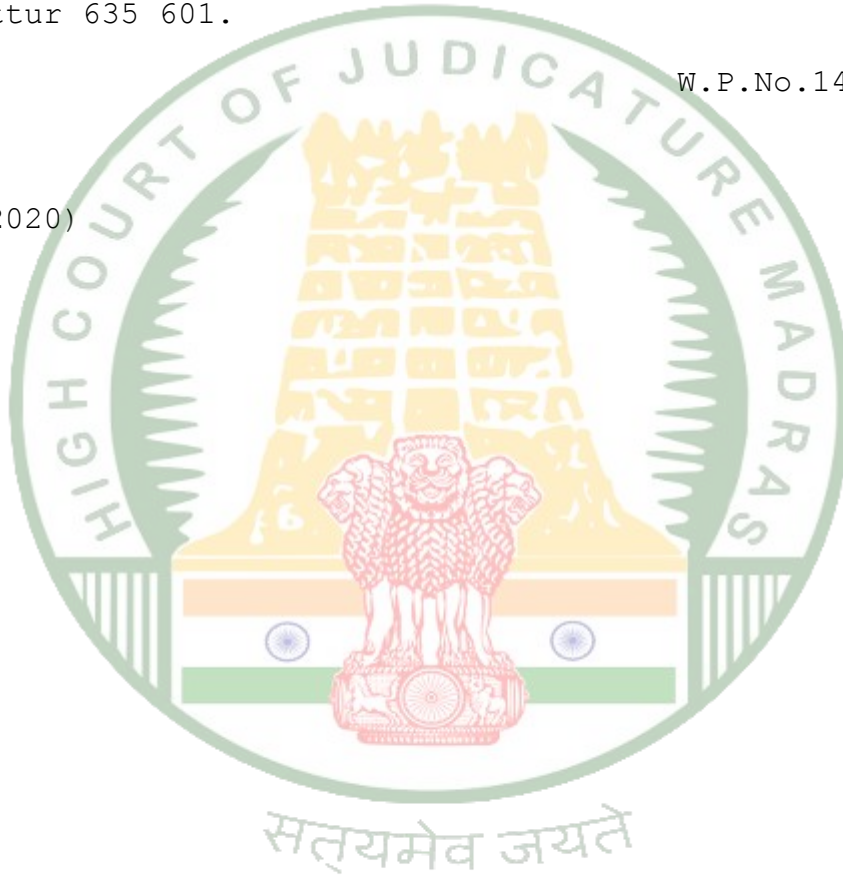
To

1.The Commissioner,  
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2.The Secretary,  
Tirupattur Sarovodaya Sangh  
No.87, Gandhi Road,  
Tirupattur 635 601.

W.P.No.14759 of 2020

PA (CO)  
GN(18/11/2020)



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