

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.Nos.18399 & 18401 of 2020

&

W.M.P.Nos.22788, 22789 & 22790 of 2020

Mrs.Mary Anita.V

...Petitioner in both WPs

Vs.

- 1.The Directorate of Agriculture,
Rep by its Director,
Chepauk, Chennai - 600 005.
- 2.The Additional Director of Agriculture,
(Personnel/Management),
Office of the Directorate of Agriculture,
Chepauk, Chennai - 600 005.

...Respondents in both WPs

Prayer in W.P.No.18399/2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in Charge memo No.DCS ½/14476/2020 dated 13.10.2020 on the file of the second respondent and quash the same and direct the respondents to permit the petitioner to resume her services pending disciplinary proceedings against the petitioner.

Prayer in W.P.No.18401 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in Letter dated 13.10.2020 refusing to review the order of suspension dated 06.02.2020 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.N.Baskaran
...in both WPs

For Respondents : Mr.J.Pothiraj, Spl.G.P.
...in both WPs

ORDER

The case of the petitioner is that she was a Director of the Private Company namely Sree Selvatharasi Chits Private

Limited and had resigned from the directorship on 25.11.2013, before she was appointed to the Government Service on 02.12.2013 as Assistant in the Office of the first respondent.

2. There was a complaint against the Chit Company in which the petitioner was associated with, before her appointment to Government service, and the petitioner was arrayed as accused for offences under Section 409, 420 r/w 120-B of IPC and also Sections 4 and 14 r/w 76 of Tamil Nadu Chit Funds Act in Cr.No.2 of 2020 on the file of the Inspector of Police, Economics Wing II, Guindy, Chennai. In connection with the complaint, the petitioner was arrested on 03.02.2020 and was released on bail after having been sent to custody for 15 days.

3. Taking note of the petitioner being arrested in the criminal complaint, she was also placed under suspension with effect from 08.02.2020. She challenged the suspension order in W.P.No.9134 of 2020 and this Court by order dated 03.09.2020 directed the second respondent to review the order of suspension. In pursuance of the direction, orders were passed by the second respondent/Authority, on 13.10.2020 rejecting the request of the petitioner for revocation of suspension. The said order is the subject matter of challenge in W.P.No.18401 of 2020.

4. While matters stood thus, the petitioner is once again before this Court challenging the charge memorandum issued in respect of the complaint registered against her in regard to the Chit Fund business wherein the petitioner was associated with at some point of time. The charge memorandum dated 13.10.2020 is put to challenge, on the basis of her explanation to the charges that she had been wrongly implicated in the criminal case.

5. This Court is unable to appreciate that interference at the stage of charge memorandum is not legally permissible on the basis of the explanation given by the charged Official against the charges. Only in extraordinary circumstances, the Courts can interfere at the stage of charge memorandum, that too on limited legal grounds like without jurisdiction etc. It is always open to the petitioner to go before the Authority and to explain her defence and come out unscathed, in the event of the punishing authority or the Enquiry Officer being convinced of the defence of the petitioner. But it is certainly not open to the petitioner to approach this Court at this stage and attempt to stall entire disciplinary proceedings on the basis of her self serving averments.

6. As regards the Writ Petition challenging the rejection of the Authority to review the continuance of the suspension, this Court does not find any acceptable legal grounds for interference at this stage. However, it is open to the petitioner to renew her request after a lapse of reasonable

time or any positive development in the criminal case in her favour, whichever is earlier.

7. Therefore, both the Writ Petitions stand dismissed as being premature and not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

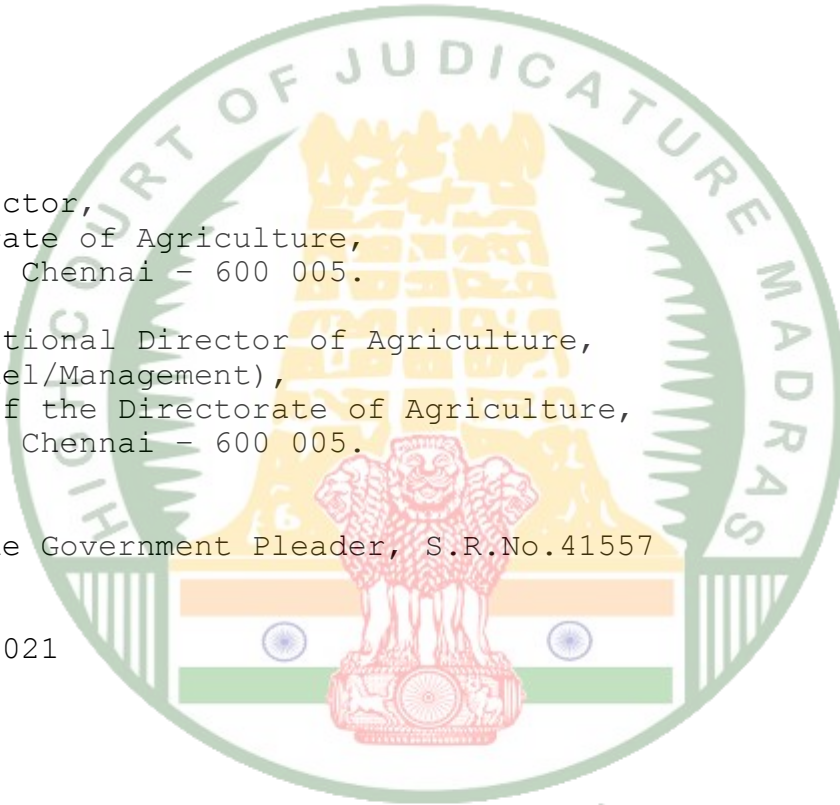
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To

1. The Director,
Directorate of Agriculture,
Chepauk, Chennai - 600 005.
2. The Additional Director of Agriculture,
(Personnel/Management),
Office of the Directorate of Agriculture,
Chepauk, Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.41557

PP(CO)
SM/01/03/2021



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W.P.No.18399 & 18401 of 2020

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