

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 16.12.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.18813 of 2020

S.Pavanan

...Petitioner

Vs.

1.The Joint Director (Craftsmen Training),
Office of the Director of Employment and Training,
Guindy, Chennai - 600 032.

2.Mr.T.Rajasekhar,
Joint Director (Craftsmen Training),
Office of the Director of Employment and Training,
Guindy, Chennai - 600 032.

3.The Deputy Director/Principal
Government Industrial Training Institute,
Cuddalore.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorari calling for the records in the order bearing No.Na.Ka.No.13437/Apa2/2016 dated 15.11.2019 passed by the respondent No.1

For Petitioner : Mr.M.Radhakrishnan

For Respondents: Mr.J.Pothiraj, Spl.G.P.

ORDER

The Writ Petition has been filed challenging the charge memorandum issued against the petitioner dated 15.11.2019 charging the petitioner that, being a Government Employee, he had participated in certain protest organized by a political party and also he being an Organizer of Government Servants Association, wherein he had designed a flag of the Association as that of flag of a political party, he is associated with. Since, the conduct of the petitioner was in violation of the conduct rules applicable to the Government Servants, this charge memorandum was issued.

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2.Challenging the same, the present Writ Petition has been filed stating that the charge memorandum was issued at the instance of an anonymous letter and therefore the charge memorandum suffers from vice of malafides. According to the learned counsel for the petitioner, the first respondent with a malafide intention has issued a charge memorandum and therefore he has impleaded him in his personal capacity. The affidavit contains explanation to the charge memorandum by the petitioner and on the basis of the factual avernments, the petitioner seeks to assail the charge memorandum.

3.This Court is unable to appreciate as to how in the realm of factual submission, charge memorandum could be successfully challenged. In case, the petitioner has valid defence against the charge memorandum as to its maintainability, it is always open to him to participate in the enquiry which would be conducted into the charge memorandum and come out unscathed. It is certainly not open to the petitioner to challenge the charge memorandum and on that basis seek to stall the disciplinary proceedings initiated under the relevant service rules.

4.In departmental enquiry, the petitioner would always be extended fair opportunity to put-forth all his defence and instead of explaining his stand against the charge memorandum, the petitioner has needlessly rushed to this Court with the present Writ Petition which in the opinion of this Court is premature and not maintainable.

5.Therefore, this Writ Petition stands dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

mrm

To

1.The Joint Director (Craftsmen Training),
Office of the Director of Employment and Training,
Guindy, Chennai - 600 032.

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2.The Deputy Director/Principal
Government Industrial Training Institute,
Cuddalore.

+1cc to the Government Pleader SR.41547

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