

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.1327 OF 2021

AND

W.M.P.NO.1482 OF 2021

(HEARD THROUGH VC)

S.Mahendran

.. Petitioner

-vs-

1. The Joint Commissioner (State Tax),
Salem Division, 1st Floor,
Commercial Taxes Building,
Pitchards Road,
Hastampatti, Salem - 636 007.

2. The Deputy Commissioner (State Tax),
Office of the Deputy commissioner (State Tax),
Old Court Buildings, Opp. to BSNL,
Mohanur Road, Namakkal - 637 001.

.. Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the Charge Memo issued by the 1st respondent, vide ROC No.22216/2019/A3 dated 09.11.2019 and quash the same along with any other consequential proceedings.

For Petitioner : Mr.P.Magesh
For Respondents : Mr.R.Swarnavel
Government Advocate

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O R D E R

The petitioner has come forward with this writ petition challenging the Charge Memo issued by the 1st respondent, vide ROC No.22216/2019/A3 dated 09.11.2019.

2. Mr.R.Swarnavel, learned counsel takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the charges have been foisted on the petitioner and that the petitioner was not at all involved in any of the offences referred to in the charge memo. He further submitted that earlier one charge memo was issued to him, which had been challenged by way of a Writ Petition in W.P.No.3759 of 2020. Since the matter was pending, this Court was not inclined to render any finding on that. In the present case on hand, the present charge needs to be established in an enquiry and the burden is on the employer to establish the charges by duly conducting a domestic enquiry.

4. The case of the petitioner is not that the person, who issued the charge memo is an incompetent authority. From the charges it appears that they are very serious in nature. Without rendering any finding with regard to any of the averment, more so, with regard to the charges, this Court is not inclined to interfere with the charge sheet dated 09.11.2019, which is impugned in this writ petition. It is open to the respondents to proceed with the departmental enquiry on day to-day basis without adjourning the matter beyond seven working days at any point of time and the petitioner is expected to co-operate with the same. In case of any criminal proceedings, it is not a bar to the respondents to proceed further and bring the issue to a logical conclusion.

5. With the above directions, the Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Joint Commissioner (State Tax),
Salem Division, 1st Floor,
Commercial Taxes Building,
Pitchards Road,
Hastampatti,
Salem - 636 007.

2. The Deputy Commissioner (State Tax),
Office of the Deputy commissioner (State Tax),
Old Court Buildings, Opp. to BSNL,
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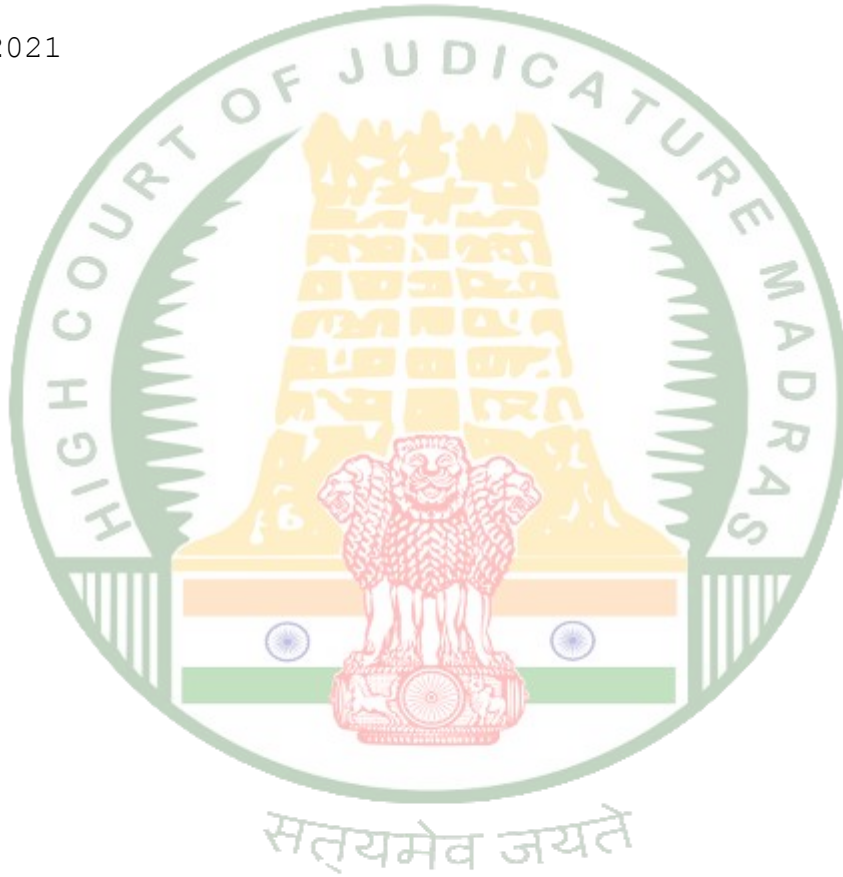
+1cc to Mr.P.Magesh, Advocate, S.R.No.3677

+1cc to the Special Government Pleader(T), S.R.No.3889

W.P.No.1327 of 2021
and

W.M.P.No.1482 of 2021

PL(CO)
CS/01/04/2021



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