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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.17571 OF 2010

AND

M.P.NO.1 OF 2010

A.Manonmani

.. Petitioner

VS.

The Joint Director,
Tamil Nadu School Education (Personnel),
Chennai-600 006.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order made in Na.Ka.No.122212/C5/E3/04 dated 10.06.2010 issued by the respondent and quash the same and consequently forbear the respondent from conducting any enquiry against the petitioner in pursuant to the Charge Memo.

For Petitioner : Mr.G.Ethirajulu

For Respondent : Mr.T.Arun Kumar,
Additional Government Pleader

O R D E R

The case of the petitioner is that she possess M.A. (Tamil) and B.Ed. Tamil degree and joined the Government Service on 19.01.1989 and posted as School Assistant (Tamil) in the Government High School, K.Ambapoor, Ariyalur District with effect from 20.10.2003 and claims to have unblemished record of



service. The petitioner's husband was working as an Assistant in Tamil Nadu Cements Corporation Limited, Ariyalur Cement Factory, Ariyalur and he was suspended from service on 07.02.2004 on the ground that he along with his brother had done business in the name and style of M/s.Jayalakshmi Agency and they have cheated the company by selling 5830.75 mts of Cement Bags by way of forged letter produced by M/s.Jayalakshmi Agencies, Ariyalur alleged to have been issued by TWAD Board with an intention to avail tax and special discount concession. Based on the aforesaid allegation, a criminal case was registered against the petitioner, her husband and brother-in-law in Crime No.1 of 2004 for the offences under Sections 420 and 477 I.P.C., and subsequently culminated into C.C.No.3/2016 on the file of the Chief Judicial Magistrate, Ariyalur District and the said case is pending.

2. The respondent department had framed charges against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the ground that the petitioner was under policy custody for a period exceeding 48 hours in the aforesaid criminal case and based on the same, the petitioner was suspended from service, vide order dated 10.12.2004. Subsequently, the petitioner has sent several representations on 17.01.2005, 26.05.2005, 31.10.2005, 01.02.2006, 14.08.2006 and 11.10.2007 seeking to revoke the order of suspension and to reinstate her into service and only based on the order of this Court dated 30.08.2010 passed in W.P.No.17570 of 2010, the petitioner was reinstated into service. Thereafter, vide order dated 10.06.2010, the respondent had issued the impugned charge memo framing four charges against her and challenging the same, the present writ petition has been filed.

3. Mr.G.Ethirajulu, learned counsel appearing for the petitioner has submitted that on the same set of facts, departmental proceedings as well as criminal proceedings are initiated and also relied on para 9 of the counter affidavit, wherein it has been stated that as under:

"9....In the departmental proceedings against he petitioner, charges have been framed, enquiry officer appointed, enquiry conducted, and enquiry report received, additional self explanation of the petitioner on the enquiry



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report was also received and passing of final order on the departmental enquiry is kept pending awaiting disposal of the criminal case against the petitioner".

The learned counsel for the petitioner would further submit that in view of the stand taken by the respondent to the effect that departmental enquiry is kept pending awaiting the outcome of the criminal proceedings against the petitioner, recording the same this Court may pass appropriate orders.

4. Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondent also reiterated the stand taken by the respondent in para 9 of the counter affidavit and in view of the same, the relief sought for by the petitioner seeking to quash the charge memo has become infructuous as the departmental proceedings have been almost complete and pending final orders to be passed awaiting the outcome of criminal proceedings against the petitioner.

5. Recording the aforesaid stand taken by the respondent in the counter affidavit, this writ petition shall stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

Jvm

To
The Joint Director,
Tamil Nadu School Education (Personnel),
Chennai-600 006.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.58919

W.P.No.17571 of 2010

NK(CO)
RLP(26/11/2021)