

W.M.P.No.12203 of 2020
in W.P.No.8487 of 2015
(Through Video Conference)

M. GOVINDARAJ, J.,

The Writ Petitioner was issued with a charge memo on 02.06.2011 for certain charges under Rule 17(b) of the Tamil Nadu Civil Servants (Discipline & Appeal Rules).

2. In the charge memo dated 02.06.2011, nine counts of charges were framed. After inquiry, it was stated that the charges were not proved. Pursuant to that Disciplinary Authority in its proceedings A2/1018/2011 dated 2.06.2011 dropped all the charges. However, a 'No Objection Certificate' was issued with a condition that the petitioner shall submit all the documents for audit in respect of Rs.1,58,101/- It is also stated that the petitioner has consented for recovering the said amount from his D.C.R.G. Thereafter, he was permitted to retire on 30.06.2011. The said recovery is under challenge in the present writ petition.

3. According to the learned counsel for the petitioner, after having dropped all the charges, there cannot be any recovery in respect of one of the charge. He was compelled to give a letter for the recovery of the amount mentioned in the ninth count of the charge memo. During the pendency of the writ petition, the petitioner died and the legal representatives of the petitioner filed an application for substitution, enclosing the legal heir certificate.

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4. Considering the materials, the substitution petition is ordered. The learned Government Pleader is directed to explain as to how the amount of Rs.1,58,101/- has been recovered from D.C.R.G. of the petitioner after dropping the charge memo in its entirety.

5. Post the matter on 04.08.2021.

30.07.2021

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Interim order made in
W.M.P.No.12203 of 2020

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