



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34627 of 2016

P.Kandasamy

...Petitioner

Vs

- 1.The Director of Elementary Education,
Office of the Director of Elementary
Education,
DPI Complex,
College Road,
Chennai-600 006.
- 2.The District Elementary Education Officer,
Office of the District Elementary Education,
Salem-1.
- 3.The Additional Assistant Elementary
Education Officer,
Office of the Assistant Elementary Education,
Thalaivasal - 636 112.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the representation dated 29.03.2016 given by the petitioner.

For Petitioner : Mr.T.Sivagnanasambandan
For Respondents: Mr.K.Thippu Sulthan
Government Counsel

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The grievance of the petitioner is that he had given a representation dated 10.03.2016, in connection with the disciplinary action taken against him under Rule 17(b) of Tamilnadu Civil Service (Discipline and Appeal) Rules, which has not been considered till date.



3. The respondents in their counter affidavit have stated that in the representation dated 10.03.2016, the petitioner had not made any specific request, for which any reply can be given. The grievance of the petitioner seems to be that he has some valid explanation for the charges framed against him on 14.07.2016.

4. This Court is of the view that such an explanation requires to be given by way of a reply to the charge memo and that seeking for a mandamus to consider his representation through the the respondents may not be proper.

5. The learned counsel for the petitioner submitted that they are willing to co-operate with the enquiry and that they may be afforded an opportunity to give their explanation to the charges.

6. This Court is inclined to take a lenient view by granting liberty to the petitioner to give his explanation to the Charge Memo dated 14.07.2016.

7. In the light of the above observation, the petitioner is at liberty to give his explanation to the charge memo dated 14.07.2016, within a period of 15 days from the date of receipt of this order. On receipt of such an explanation, the concerned respondent is at liberty to take further course of action in accordance with the procedure contemplated under the Tamilnadu Civil Service (Discipline and Appeal) Rules.

8. Accordingly, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbn/hvk

To

1. The Director of Elementary Education,
Office of the Director of Elementary
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DPI Complex,
College Road,
Chennai-600 006.



2.The District Elementary Education Officer,
Office of the District Elementary Education,
Salem-1.

3.The Additional Assistant Elementary
Education Officer,
Office of the Assistant Elementary Education,
Thalaivasal 636 112.

+1 CC to Mr.T.Sivagnanasambandan, advocate sr 29891

+1 CC to The Government Pleader sr 29838.

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PL (CO)
SP (02/08/2021)