



, IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.26763 of 2021 and
Wmp No.28199 of 2021

G.Duraikannan

...Petitioner

Vs.

The District Collector,
Nagapattinam District,
Nagapattinam.

...Respondent

Prayer : Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to furnish the documents referred to in the Charge Memo issued by the respondent in Na.Ka.4206/2018/A4 dated 01.10.2021 to the petitioner before taking any further proceedings in pursuance to the same and pass orders.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.L.S.M.Hazan Fizal
Additional Government Pleader

ORDER

This writ petition has been filed seeking to issue Writ of Mandamus, directing the respondent to furnish the documents referred to in the Charge Memo dated 01.10.2021, issued by the respondent to the petitioner before taking any further proceedings in pursuance to the charge memo.

2. The case of the petitioner in brief:

The petitioner was working as a Special Tahsildar, Social Security Scheme, Nagapattinam Taluk and he attained the age of Superannuation on 31.07.2018. But, on 30.07.2019, he was suspended from service on the allegations that there was some irregularities committed during the year 2010-2011 by him in disbursement of flood relief fund for the farmers.

2.1. Challenging the above suspension order, the petitioner has filed writ petitions in W.P.No.31673, 31678 of 2018 and pending writ petition, the respondent issued charge memo on



01.10.2021 under 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, alleging that the flood relief fund was disbursed to the ineligible persons, as per the beneficiary list signed by the petitioner, thereby there is a loss to the tune of Rs.8,98,500/- to the Government.

2.2. According to the petitioner, during the above period, he was the Firka Revenue Inspector having control over 18 villages and the beneficiary list was prepared only by the Village Administrative Officer, who is the local person, knows all the farmers and tenants. Hence it is not just and proper to fix up sole responsibility on the petitioner.

2.3. The petitioner has given application on 21.10.2021 seeking certain documents referred in the charge memo, enabling him to give his explanations, but the respondent did not furnish the same. Hence this writ petition.

3. The learned Additional Government Pleader appearing for the respondent submitted that, if the documents sought for by the petitioner in the application are relevant to the charge memo, the same will be considered by the respondent in accordance with law, and the copies will be furnished to the petitioner.

4. In view of the submissions made by the learned Additional Government Pleader, this court is inclined to pass orders in this writ petition at the admission stage itself.

5. Accordingly, it is ordered as follows.

i) The respondent is directed to consider the application of the petitioner dated 28.10.2021 and furnish the copy of the documents, as mentioned in the application, in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

ii) Till such time, the respondent shall defer the disciplinary proceedings as against the petitioner.

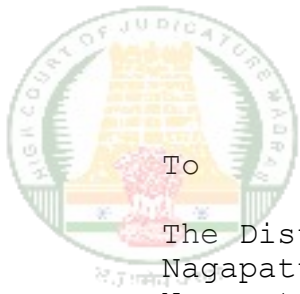
6. With the above direction, this writ petition is disposed of. Consequently, connected writ miscellaneous petition is closed No costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mst



To

The District Collector,
Nagapattinam District,
Nagapattinam.

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+1cc to the Government Pleader SR.No.67891

W.P.No.26763 of 2021

RGN (CO)
RVM (21/01/2022)