



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

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THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4596 of 2021

and

W.M.P (MD) Nos.3685, 3687 and 3689 of 2021

T.S.Jeeva

... Petitioner

Vs.

1.The Director of Town Panchayats,
O/o. The Director of Town Panchayats,
MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.

2.The Assistant Director of Town Panchayats,
O/o. the Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified mandamus, to call for the records pertaining to the impugned charge memo in Na.Ka.No.1580-3/2020/A1 dated 11.05.2020 on the file of the first respondent and quash the same as illegal and consequently forbear the respondents from proceeding with enquiry without furnishing the Documents relied in the impugned charge memo within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendran,

Additional Government Pleader

O R D E R

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

2.On a set of charges levelled against the petitioner, through the impugned charge memo dated 11.05.2020, the petitioner was called for to render his explanation on 19.02.2021. The petitioner had sought for certain documents, which documents according to the petitioner, were relied upon by the respondents in the impugned charge memo. Since it is stated by the learned counsel for the



petitioner that the documents, which he sought for in his representation, are relied upon in the charge memo, it would be appropriate for the respondents to comply with the request made by the petitioner in order to give him liberty of making an effective representation.

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3.It is made clear that in case, the petitioner seeks for any documents, which are not relevant to the charge memo, the respondents need not supply such of those documents to the petitioner.

4.With these observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.02.2021 within a period of two weeks from the date of receipt of a copy of this order. Till such consideration, the first respondent herein shall not proceed further pursuant to the impugned charge memo. It is further made clear that the moment the first respondent furnishes all the documents relied upon by them in the charge memo to the petitioner, the disciplinary action can be proceeded with.

5.Accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

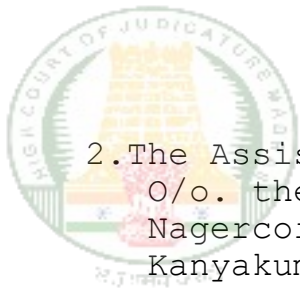
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To:

- 1.The Director of Town Panchayats,
O/o. The Director of Town Panchayats,
MRC Nagar,
Raja Annamalaipuram,
Chennai-600 028.



2.The Assistant Director of Town Panchayats,
O/o. the Assistant Director of Town Panchayats,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-9652[F] dated
09/03/2021)

+1 CC to M/s.SPL GP (SR-9515[F] dated 08/03/2021)

W.P. (MD) No.4596 of 2021
05.03.2021

VB (19.03.2021) 3P 5C