



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4680 of 2021

and

W.M.P (MD) No.3795 of 2021

WEB COPY

M.Suresh Kumar

...Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Madurai Region,
Rajakambeeram,
Y.Ottakadai,
Madurai.

2.The District Registrar (Administration)/
In the cadre of Assistant Inspector General of Registration,
Madurai South Registration District,
Place Road, Mahal,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the record relating to the impugned charge memo in May.A.No.537/A1/2021 dated 01.02.2021 and Memo No.630/A1/2020 dated 23.01.2021 from the second respondent quash the same.

For Petitioner : Mr.L.Prabakaran

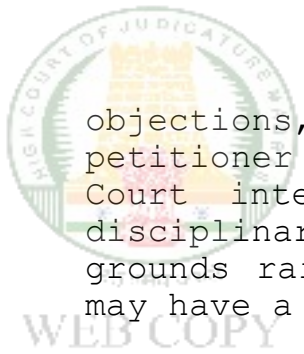
For Respondents : Mr.K.Sathiyasingh
Additional Government Pleader

O R D E R

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

2.The petitioner herein has challenged the charge memo dated 01.02.2021. The various grounds raised by the petitioner herein touches upon the facts of the case, wherein, the petitioner has attempted to justify that he is not guilty of any of the charges and even assuming that there are lapses, the charges may be levelled only under Rule 17(A) and not Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3.It is settled a proposition of law that this Court in exercising its power under Article 226 of the Constitution of India will not interfere into the charge memo based on the factual



objections, but for a few exceptions. The ground raised by the petitioner does not fall under any of those exceptions. Since this Court intends to direct the respondents to continue with the disciplinary action pursuant to the impugned charge memo, the grounds raised by the petitioner herein are not answered, since it may have a bearing on the proceedings.

4.The learned counsel for the petitioner would submit that the petitioner may be given an opportunity to put forth his objection pursuant to the charges levelled and thereafter, the respondents may be permitted to continue with the departmental action. This submission seems to be reasonable and it would also met with requirements of the principles of natural justice.

5.In the light of the submission made by the learned counsel for the petitioner, the petitioner is granted liberty to give his objections to the second respondent herein, pursuant to the charge memo dated 01.02.2021, within a period of seven days from the date of receipt of a copy of this order. On receipt of such objections, the second respondent shall consider the same at least within a period of 15 days from the date of receipt of such objections and thereafter, take further course of proceedings. It is made clear that this Court has not expressed any of its view with regard to the merits of the petitioner's objections and that the second respondent is at liberty to consider the same on its own merits and take necessary course of action in accordance with law.

6.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

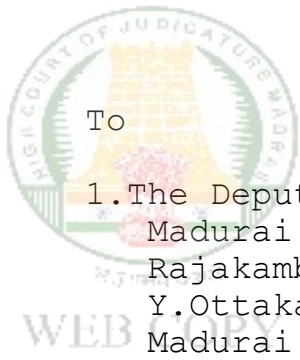
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/ /2021

Sub Assistant Registrar(CS)

cp

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 Deputy Inspector General of Registration,
Madurai Region,
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Y.Ottakadai,
Madurai.

2.The District Registrar (Administration)/
In the cadre of Assistant Inspector General of Registration,
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+1 CC to M/s.L.PRABAKARAN, Advocate (SR-9557[F] dated 09/03/2021)

+1 CC to M/s.SPL GP (SR-9671[F] dated 09/03/2021)

W.P. (MD) No.4680 of 2021
08.03.2021

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