



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.7837 of 2021

and

W.M.P (MD) No.5972 of 2021

WEB COPY

C.S.Mari Balaji

... Petitioner

-Vs-

1.The Chairman,

Board of Trustees,

Arulmighu Dhandayuthapani Swamy Thirukoil,

Palani.

2.The Executive Officer,

Arulmighu Dhandayuthapani Swamy Thirukoil,

Palani.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned charge memo proceedings of the second respondent in Se.Mu.Na.Ka.No.526/2021/A4, dated 02.04.2021 and quash the same.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned charge memo issued by the second respondent, in Se.Mu.Na.Ka.No.526/2021/A4, dated 02.04.2021.

2.Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice on behalf of the respondents.

3. According to the petitioner, he is working as Assistant Executive Engineer (Civil) in the Arulmighu Dhandayuthapani Swamy Thirukoil, Palani. On 02.04.2021, the second respondent issued an impugned chargememo, framing charges that the petitioner has not performed his duties properly. The petitioner has come out with the present writ petition to quash the charge memo, on various grounds including on merits.

4. The scope of interference to a charge memo in a departmental proceedings by exercising powers under Article 226 of Constitution of India is very limited and the exceptions to such interference have been spelt out in various decisions of this Court and the Hon'ble Apex Court. If the delay in disciplinary proceedings causes prejudice to the party and by taking into account



the gravity of offence, this Court would be justified in interfering with charge memo.

5. In the present case, though the petitioner has made various grounds on merits, not made out any exception for interference by this Court.

6. For all the foregoing reasons, no interference would be required to the impugned charge memo and consequently, the writ petition stands dismissed. However, it is open to the petitioner to submit his explanation to the charge memo. This Court is not expressing any opinion with regard to various grounds raised by the petitioner, which will affect the conclusion of the disciplinary proceedings. The first respondent is directed to conduct an enquiry as per the procedure by following the principles of natural justice, after giving an opportunity to the petitioner to put forth his case on merits and conclude the enquiry as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

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