



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.17143 of 2020

and

W.M.P(MD)Nos.14307 and 14308 of 2020

M.Murugan

... Petitioner

Vs

1.The District Collector,
Theni District,
Theni.

2.The Sub Collector,
Periyakulam,
Theni District.

... Respondent

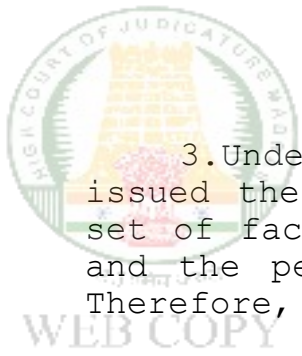
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.5200/2012/A-2, dated 29.10.2020 and quash the same.

For Petitioner : Mr.M.Saravanan
For Respondent : Mr.A.Kannan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the charge memo dated 29.10.2020 issued on the respondent.

2.The learned Counsel for the petitioner submits that the petitioner is a Village Administrative Officer. The second respondent vide proceedings in Na.Ka.No.5200/2012/A-7, dated 26.05.2016 issued charge memo that the petitioner while dealing with the patta transfer application of one M.Ganesan has violated the guideline issued by the Government regarding the procedures to be adopted. Consequently, the second respondent appointed the Tahsildar, Aundipatti as Enquiry Officer, who in turn after conducting enquiry has submitted a report dated 10.01.2019. Subsequently, the second respondent vide proceedings Na.Ka.No.5200/2012/A2, dated 01.03.2019 exonerated the petitioner from the charges levelled against him.



3.Under such circumstances, now the second respondent has issued the impugned charge memo dated 29.10.2020 on the very same set of facts and charges, where already enquiry has been conducted and the petitioner has already been exonerated from the charges. Therefore, the impugned charge memo is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has been exonerated from the earlier charges by the second respondent.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.No doubt the petitioner was issued with a charge memo vide proceedings in Na.Ka.No.5200/2012/A-7,dated 26.05.2016 for violation of the guidelines issued by the Government in respect of patta transfer, Enquiry Officer was appointed, the Enquiry Officer after conducting enquiry submitted the enquiry report on 10.01.2019 and vide proceedings Na.Ka.No.5200/2012/A2, dated 01.03.2019 of the second respondent, exonerated the petitioner from the charges.

7.While so, the second respondent / the Sub Collector, has issued a charge memo dated 29.10.2020 against the petitioner framing verbatim the very same charges framed against the petitioner on 26.05.2016, when the petitioner was exonerated from the charges levelled against him vide proceedings Na.Ka.No.5200/2012/A2, dated 01.03.2019 and the issue has attained finality. Therefore, the present impugned charge memo is unsustainable in the eye of law.

8.In the light of the above discussion, the impugned proceedings in Na.Ka.No.5200/2012/A-2, dated 29.10.2020 passed by the second respondent is hereby quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

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 District Collector,
Theni District,
Theni.

2.The Sub Collector,
Periyakulam,
Theni District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-36691[F] dated
01/12/2021)

+1 CC to M/s.SPL GP (SR-36718[F] dated 01/12/2021)

W.P(MD)No.17143 of 2020
30.11.2021

NSN(CO)
TR(10.12.2021) 3P 5C