



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.18505 and 18173 of 2020

and

W.M.P (MD) No.15162 of 2020

WEB COPY

R.Ravichandran

...Petitioner in

W.P (MD) No.18505 of 2020

M.Ariramachandran

...Petitioner in

W.P (MD) No.18173 of 2020

Vs

1.The Additional Chief Secretary &
Transport Commissioner,
Cheapauk, Chennai-5.

2.The Joint Transport Commissioner,
Madurai.

...Respondents
(in Both W.Ps)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Charge memo formulated by the second respondent herein in his Memo No.1552/A3/2017 dated 03.06.2020 and quash the same and consequently direct the first respondent herein to promote the petitioners as Superintendent and Motor Vehicle Inspector (Non-Technical) respectively, for the year 2019-2020 from the date of promotion of immediate junior with all consequential service and monetary benefits.

For Petitioners : Ms.M.Padmavathy

For R-1 : Mrs.V.P.M.Vaishnavi,
Government Advocate

COMMON ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for the first respondent.

2.One of the main grievance of the petitioners is that pursuant to the impugned charge memo, dated 03.06.2020, the petitioners herein had given detailed explanations to the various charges levelled and that the first respondent herein, without



considering the explanations, had appointed the Enquiry Officer on 06.11.2020.

3.The procedure to be adopted while imposing major penalty under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal Rules) contemplates that the concerned Authority shall communicate to the present charges together with the statement of the allegation on which the charges based and any other circumstances, which it proposes to take into consideration, while passing order on the case. Further, the Delinquent Officer shall be required, within a reasonable time, to put in a written statement of his defence and state whether he desires an oral enquiry or to be heard in person or both. Even in case, the Delinquent Officer does not desire for an enquiry, it is mandatory for an enquiry to be held in cases of charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

4.In the instant case, the impugned charge memo does not call for any explanation from the petitioners nor does it state as to whether the petitioners require to be heard in person or through oral enquiry. Nevertheless, the fact remains that the petitioners herein have given a detailed explanation on 12.06.2020, a copy of which is produced before this Court. In my view, if the respondents are directed to consider the explanation and thereafter, to take a decision with regard to the appointment of Enquiry Officer, the ends of justice could be secured.

5.In the light of the above observations, the first respondent herein shall keep this proceedings, dated 06.11.2020, appointment of Inquiry Officer, inquiring into the charge levelled against Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Simultaneously, the first respondent shall consider the petitioners' objections and thereafter follow the procedure as contemplated under Rule 17(b) of the said Rules, as also observed in this order. Such an exercise shall be completed at least within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the explanations rendered by the petitioners.

6.With the above directions, these Writ Petitions stand disposed of. No costs. Consequently connected miscellaneous petition is closed.

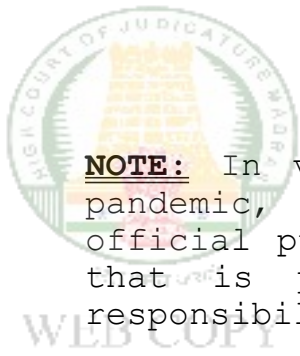
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Additional Chief Secretary &
Transport Commissioner,
Cheapauk, Chennai-5.

2.The Joint Transport Commissioner,
Madurai.

+2 CC to Ms.M.PADMAVATHY, Advocate (SR-4426[F] dated 11/02/2021)

+1 CC to GP (SR-4308[F] dated 10/02/2021)

W.P. (MD) Nos.18505 and
18173 of 2020

09.02.2021

(KUN)
KV(25.02.2021) 3P 6C