



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.25098 OF 2013

AND

M.P.NO.1 OF 2013

A.Baskaran

...Petitioner

-Vs-

The Registrar,  
Tamil Nadu Agricultural University,  
Coimbatore - 641 003.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the impugned charge memo issued by the respondent in No.P3/9141/1999 dated 13.06.2013 and quash the same.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.Abdul Saleem

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The charge against the petitioner is that the petitioner had misbehaved with a women colleague in the work spot inspite of oral warning. The misbehavior is that he had disturbed her during the work hours and did not allow her to attend the work and he had taken her vehicle without her knowledge. Pursuant to the charge memo dated 24.07.2000, an enquiry came to be conducted and a punishment of stoppage of two increments with cumulative effect was imposed on 09.01.2002, which came to be modified by the Appellate Authority on 22.02.2003 into one of stoppage of two increments without cumulative effect.



3. The case of the petitioner is that when this original charge memo was levelled against him, the respondent had not furnished the list of witnesses, as well as the documents to him, inspite of his repeated request. This fact was taken into consideration by this Court in its order passed in W.P.No.7750 of 2008 dated 18.02.2013 and while quashing the order of punishment, had remitted the matter back to the respondents therein. The said portion of the order reads as follows:

"35. Consequently, the writ petition is allowed. The impugned order is set aside. the case is remitted back to the respondents, for fresh decision, keeping in view the seriousness of charges. The respondents are directed to issue fresh charge memo along with list of witnesses and documents to be relied upon in the enquiry and thereafter, proceed in accordance with the service rules and by following principles of natural justice."

4. In this background, the respondent has now filed a charge memo dated 13.06.2013. This charge memo is now challenged on the same ground that the list of witnesses, as well as the documents relied upon by the Disciplinary Authority, have not been furnished to him. The non furnishing of the list of witnesses and the documents relied upon are not disputed by the respondent.

5. It is rather unfortunate that from the year 2000 onwards, the petitioner has been requesting for the documents relied upon by the Disciplinary Authority and on that ground, the earlier punishment was set aside. Thereafter, even though there was a specific direction by this Court to furnish the list of witnesses and the documents relied upon in the second charge memo, the respondent had failed to comply with such a direction.

6. It is stated by the learned counsel for the petitioner that in view of the pendency of these charges, his service benefits, including promotions were affected.

7. It is pertinent to point here that though this Court had not granted any interim orders of stay, the respondent had not chosen to proceed with the charge memo and had kept it pending for almost 9 years. While that being so, it would not now be appropriate to permit the respondent to serve the copies of the documents and proceed with the present charge memo, after all these years.

8. This Court has also taken note of the fact that the same charge had earlier ended up with a minor punishment of stoppage of two increments without cumulative effect and that the charge



itself is not serious, so as to attract a major penalty. Thus, on the ground of laches on the part of the respondent, the petitioner is entitled to succeed.

9. In the result, the impugned charge memo dated 13.06.2013 is quashed and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk

To

The Registrar,  
Tamil Nadu Agricultural University,  
Coimbatore - 641 003.

+1cc to Mr.Abdul Saleem, Advocate, S.R.No.11128

+1cc to Mr.P.Rajendran, Advocate, S.R.No.10562

W.P.No.25098 of 2013  
and  
M.P.No.1 of 2013

MT(CO)  
RLP(08/03/2022)