



WEB COPY



W.P.Nos.21084 of 2016 & 28096 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21084 of 2016 & 28096 of 2015

and

W.M.P.No.18032 of 2016

and

M.P.No.1 & 2 of 2015

G.Mohandoss ... Petitioner in both the Writ Petitions.

-Vs-

1. Tamilnadu Cements Corporation Ltd.,
Rep.by the Managing Director,
Tamilnadu Cements Corporation Ltd.,
LLA Building No. 735,
Anna Salai, Chennai-2.

2. The Chairman,
TANCEM & Additional Chief Secretary to Govt. (Industries)
Secretariat, Chennai-600 009.

... Respondents in both the Writ Petitions.

Prayer in W.P.No.21084 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to furnish the copy of basic report and other documents mentioned in the petitioner's representation dated 14.05.2016 by considering the petitioner's representation dated 14.05.2016.



W.P.Nos.21084 of 2016 & 28096 of 2015

Prayer in W.P.No.28096 of 2015: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, pleased to call for the records on the file of the respondent in connection with the order passed by him in his Proc.Rc.No.1976/A1/2015 dated 30.06.2015 charge memo and quash the same and consequently direct the respondents to settle all the monetary and service benefits.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mr.R.Jaya Prakash
For Respondents :
for R1 : Mr.A.Sivaji
for R2 : Mr.R.P.Murugan Raja
Government Advocate

COMMON ORDER

W.P.No.28096 of 2015 had been filed to quash the Charge Memo dated 30.06.2015 and W.P.No.21084 of 2016 had been filed to direct the respondents to furnish a copy of the basic reports and other documents mentioned in the petitioner's representation dated 14.05.2016 by considering the representation dated 14.05.2016.

2. The petitioner was appointed to the post of Chief Burner and subsequently promoted to the post of Manager (Process control) on 19.07.1995 and retired from service on 30.06.2015.



W.P.Nos.21084 of 2016 & 28096 of 2015

WEB COPY 3. A Charge Memo was issued on the last day of his retirement on 30.06.2015 and the petitioner made a request to furnish the documents and other details, enabling him to submit his explanations.

4. The learned Senior counsel appearing on behalf of the petitioner mainly contended that a plain reading of the impugned charge memo dated 30.06.2015, would reveal that, there is neither a statement of allegation nor any documents listed out and thus, the petitioner is not in a position to submit his explanation on the allegations. Even the particulars regarding the allegations are not stated and therefore, the charge is absolutely vague and cannot be proceeded with.

5. The learned Senior Counsel further contended that the petitioner instituted a separate proceeding for the settlement of gratuity and an order in his favour was passed. As far as the charge memo is concerned, an additional charge memo was issued in a proceeding dated 04.03.2016 and the said charge memo has not been challenged in any of these writ petitions. The learned Senior Counsel is of an opinion that in the absence of any details and documents, the petitioner would be deprived of his



opportunity to defend the allegations.

WEB COPY

6. The learned counsel for the respondent made a submission that the gratuity amount had already been sanctioned by the competent authority, in a proceeding dated 21.11.1922, and thus, the grievance of the writ petitioner in this regard is redressed. As far as the charge memo is concerned, the learned counsel for the respondent reiterated that the second additional charge memo was issued in a proceeding dated 04.03.2016, and in respect of the impugned charge memo dated 30.06.2015, respondents are having sufficient materials on record. Therefore, the writ petition is to be rejected.

7. The additional charge memo dated 04.03.2016 is not under challenge, there is no impediment for the competent authorities to proceed with the said charge memo. As far as the impugned charge memo dated 30.06.2015 is concerned, no statement of the allegation is provided in the impugned charge memo and the list of documents is also not provided. In the absence of any such details, the delinquent officer cannot be in a position to defend his case or even to submit his explanation of the allegations. The allegations must be substantiated with statements along with the list of documents. Since the charge memo had been issued



W.P.Nos.21084 of 2016 & 28096 of 2015

without any such details, the delinquent officer cannot be in a position to defend his case. Any charge memo must contain specific allegations, and the statement of allegations and list of documents relied upon by the disciplinary authority. All such requirements are mandatory for the purpose of disposal of the departmental disciplinary proceedings.

8. In view of the facts and circumstances, the impugned charge memo passed by the respondent in proceeding Rc.No.1976/A1/2015 dated 30.06.2015 is quashed and the respondents are at liberty to issue a fresh charge memo with the statement of allegations and list of the documents and other details. In the event of non-availability of materials, further proceedings may be dropped. It is for the authorities to take a decision and issue appropriate orders in this regard.

9. With these directions, the writ petition in **W.P.No.28096 of 2015** stands **allowed** and the writ petition in **W.P.No.21084 of 2016** stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes
Speaking order
sha

22.11.2022



WEB COPY



W.P.Nos.21084 of 2016 & 28096 of 2015



WEB COPY



W.P.Nos.21084 of 2016 & 28096 of 2015

S.M.SUBRAMANIAM.J.,

sha

To

1. Tamilnadu Cements Corporation Ltd.,
Rep.by the Managing Director,
Tamilnadu Cements Corporation Ltd.,
LLA Building No. 735,
Anna Salai, Chennai-2.
2. The Chairman,
TANCEM & Additional Chief Secretary to Govt. (Industries)
Secretariat, Chennai-600 009.

W.P.Nos.21084 of 2016 & 28096 of 2015

and

W.M.P.No.18032 of 2016

and

M.P.No.1 & 2 of 2015

22.11.2022