



W.P. No.19540 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.19540 of 2022 and
W.M.P. Nos.18820 and 18823 of 2022

N.Dhanapal

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner for Disciplinary Proceedings,
4/929, Rahmath Nagar,
Maharaja Nagar Post,
Tirunelveli District – 627 011.

3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai – 600 034.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the second respondent in connection with the orders passed by the second respondent, Charge Memo in Roc.A2/145/2022 (TDP No.04/2022) dated 09.06.2022 (Impugned order-I) and Notice in Roc.A2/145/2022 (TDP No.04/2022) dated 12.07.2022 (Impugned Order-II) respectively and quash the same as illegal.



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For petitioner : Mr.R.Singaravelan,
Senior Counsel for
Ms.V.Ambika

For respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR&CE) for R1 and R3

Mr.Stalin Abimanyu,
Additional Government Pleader
for R2

ORDER

This writ petition has been filed, challenging the Charge Memo in Roc.A2/145/2022 (TDP No.04/2022) dated 09.06.2022 and Notice in Roc.A2/145/2022 (TDP No.04/2022) dated 12.07.2022 issued by the second respondent.

2.The petitioner has challenged the enquiry notice issued by the second respondent under the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955. The contention of the petitioner is that since the charge memo does not speak about the corruption, the question of the Tribunal (2nd respondent) exercising the jurisdiction will not arise.

3.Learned Special Government Pleader appearing for respondents 1 and 3 would submit that it is for the disciplinary



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authority/first respondent to decide as to whether the Tribunal (2nd respondent) is having jurisdiction or not to be the arbiter in the disciplinary proceedings initiated against the petitioner.

4.The contention of the learned Special Government Pleader appearing for respondents 1 and 3 is recorded. However, the first respondent will have to initiate disciplinary proceedings only in accordance with law and will also have to consider the petitioner's contention that the second respondent does not have any jurisdiction to initiate disciplinary proceedings against the petitioner, before initiating the same.

5.With the aforesaid direction, the writ petition stands disposed of. Consequently, connected W.M.Ps stand closed. No costs.

12.12.2022

Index: Yes/No
vga



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ABDUL QUDDHOSE, J.

vga

To

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