IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17056 of 2014
and M.P.No.1 of 2014

R.Jeevarathinam ... Petitioner

Vs

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Secretariat,
Chennai – 600 009.

2.The Additional Commissioner,
[Revenue Administration],
Ezhilagam, Chepauk,
Chennai – 600 005. ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the Letter No.40243/Est-2(2)/2013 dated 28.03.2014 on the file of the first respondent and quash the same.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.M.Bindran
Additional Government Pleader

O R D E R

The charge memo dated 28.03.2014 issued by the first respondent is sought to be quashed in the present writ petition.

2.The petitioner was appointed as Junior Assistant and thereafter promoted upto the level of Deputy Collector/District Adi Dravidar Welfare Officer. A charge memo was issued against the writ petitioner under Rule 17(b) of the Tamil Nadu Civil Services [Discipline and Appeal] Rules in proceedings dated 28.03.2014. The allegations against the writ petitioner are that without verifying the field inspection report, he has signed the document relating to grant of free housesites to 20 beneficiaries. In view of the lapses, law and order issues were created in that locality and therefore the respondent has issued a charge memo for dereliction of duty, negligence and lapses.

3.The petitioner instead of submitting his explanation and to defend his case has chosen to file the writ petition mainly on the ground that the petitioner joined in the post concerned only in July 2008 and the initiative were taken in December 2007. No doubt the petitioner had signed the files, however he was not responsible for not conducting field enquiry during the relevant point of time.

4.This Court is of the considered opinion that such explanations are to be considered by the competent authorities with reference to the documents and evidence available on record. The High Court cannot conduct a rowing enquiry with reference to the disputed facts which is to be established before the competent authority at the time of enquiry. The power of judicial review under Article 226 of the Constitution of India to ensure the processes through which a decision is taken by the competent authority in consonance with the statutes and rules in force, but not the decision itself. In the present case, the authorities have framed charge under Rule 17(b) of Tamil Nadu Civil Services [Discipline and Appeal] Rules and the petitioner has to defend his case by availing the opportunities to be provided.

5.No writ against the charge memo is to be entertained in a routine manner and a writ against a charge memo needs to be entertained only if it is tainted with allegation of malafide or issued by any incompetent authority but not otherwise. This being the principles to be followed, the petitioner is at liberty to participate in the process of enquiry and prove his innocence or otherwise through documents and evidences. The respondents are directed to proceed with the disciplinary proceedings and conclude the same as expeditiously as possible by following the procedures as contemplated and by affording opportunity to the writ petitioner.

6.With these observations, the writ petition stands dismissed.. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

cse
To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Secretariat,
Chennai - 600 009.

2.The Additional Commissioner,
[Revenue Administration],
Ezhilagam, Chepauk,
Chennai - 600 005.

+1cc to the Government Pleader, SR.No.36897

W.P.No.17056 of 2014

SJ(CO)
CB(05/07/2022)