



WP.No.32769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.32769 of 2022

and

W.M.P.Nos.32167 and 32168 of 2022

D. Gokul

.. Petitioner

Vs.

1. The Commissioner,
O/o. Commissioner of Backward Welfare Department,
Ezhelagam,
Chennai.

2. The District Welfare Officer,
O/o. District Backward and Minorities Welfare Office,
Mayladuthurai District.

.. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records in pertaining to the charge memo Vide No.Na.Ka.6182/2022/L1, dated 31.10.2022 issued by the 2nd respondent and quash the same and further direct the 2nd respondent to consider petitioner Explanation dated 09.11.2022.



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For Petitioner
For Respondents

:Mr.P.Muthamizh Selvakumar
:Mr.E.Sundaram,
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr.E.Sundaram, learned Government Advocate accepts notice on behalf of the respondents.

3. This writ petition has been filed challenging the charge memo dated 31.10.2022 issued by the second respondent, under which, the petitioner was called upon to submit his explanation with regard to his appointment as a Cook.

4. The contention of the second respondent is that without being qualified, the petitioner was appointed as a Cook. The petitioner has submitted his explanation on 09.11.2022 to the impugned charge memo dated 31.10.2022 denying the allegations of the second respondent. The petitioner apprehends that he will be terminated from service very soon. In such circumstances, he has filed this writ petition.



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WEB COPY 5. Heard Mr.P.Muthamizh Selvakumar, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the respondents.

6. Admittedly, no final orders have been passed by the second respondent pursuant to the impugned charge memo dated 31.10.2022. The petitioner has also submitted his explanation to the impugned charge memo on 09.11.2022. It is for the respondents to consider the same and pass final orders with regard to the impugned charge memo. The petitioner has approached this Court prematurely as no final orders have been passed. However, the interest of the petitioner who has been appointed as cook in the year 2021 has to be protected, till final orders are passed by the second respondent.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders, pursuant to the impugned charge memo dated 31.10.2022, after giving due consideration to the detailed explanation submitted by the petitioner on 09.11.2022 on merits and in accordance with



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law. Till final orders are passed, no coercive steps shall be taken against the petitioner with regard to his employment as a Cook.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.12.2022

(3/3)

Index : Yes / No
Internet : Yes/ No

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To

1. The Commissioner,
O/o. Commissioner of Backward Welfare Department,
Ezhelagam,
Chennai.

2. The District Welfare Officer,
O/o. District Backward and Minorities Welfare Office,
Mayladuthurai District.



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ABDUL QUDDHOSE, J.

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