



W.P. No.32883 of 2022

W.P. No.32883 of 2022

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ABDUL QUDDHOSE, J.

The matter is listed under the caption “for being mentioned”, today.

2. The learned counsel for the petitioner seeks for correction of the order passed by this Court on 07.12.2022 in this writ petition.

3. This Court by inadvertence, had recorded in its order dated 07.12.2022 in paragraph No.4 that the petitioner is a Cook and that she has been issued a charge memo on the ground that she has not taken part in the test conducted by the Institute of Hotel Management Catering Technology & Applied Nutrition, Chennai, but instead, it should read as ***“The petitioner is a Cook and she has been issued a charge memo on the ground that she has taken part in the test conducted by the Institute of Hotel Management Catering Technology & Applied Nutrition, Chennai, but has secured less marks”.***

4. Therefore, the order has to be corrected as prayed for by the



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learned counsel for the petitioner.

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5. By consent of both the parties, paragraph No.4 of the order dated 07.12.2022 passed in this writ petition is substituted in the following manner:

The petitioner is a Cook and she has been issued a charge memo on the ground that she has taken part in the test conducted by the Institute of Hotel Management Catering Technology & Applied Nutrition, Chennai, but has secured less marks. The petitioner has already submitted an explanation to the respondents denying the allegations and pleading her innocence.

6. Excepting for the above mentioned clarification the remaining part of the order dated 07.12.2022 passed in W.P. No.32883 of 2022 shall stand unaltered.

14.12.2022

***Note : i) Registry is directed to issue fresh order copy.
ii) Issue order copy on or before 16.12.2022***



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14.12.2022



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WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32883 of 2022
and
W.M.P.No.32286 of 2022

K.Selvi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Backward Class, Most Backward Class &
Minorities Welfare Department,
Fort. St. George,
Chennai – 600 009.
 2. The Commissioner,
Directorate of Backward Class Welfare,
Ezhilagam, Annex Building IInd Floor,
Chepauk,
Chennai – 600 005.
 3. The District Backward and Minorities Welfare Officer,
Perambalur District.
Perambalur.
- ... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the charge memo issued by the third respondent in NA.KA.PAA2/71/2022 dated 28.10.2022 and quash the same and subsequently direct the third respondent to permit the petitioner to continue in the same post of Cook in the present working place.

For Petitioner : Mr. M.Thamizhavel
For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.E.Sundaram, learned Government Advocate accepts notice for the respondents.

3. This writ petition has been filed challenging the charge memo, dated 28.10.1022 issued to the petitioner by the third respondent.

4. The petitioner is a Cook and she has been issued a charge memo on the ground that she has not taken part in the test conducted by the Institute of Hotel Management Catering Technology & Applied Nutrition, Chennai. The petitioner has already submitted an explanation to the



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impugned charge memo dated 28.10.2022 to the respondents denying the allegations and pleading her innocence.

5. This Court, at this stage, cannot interfere with the impugned charge memo. The only limited relief that can be granted to the petitioner is to direct the respondents to appoint an Enquiry Officer, who will have to conduct enquiry proceedings within a time frame to be fixed by this Court.

6. The learned counsel for the petitioner submits that till final orders are passed by the respondents, pursuant to the enquiry proceedings, the petitioner's service as a Cook should not be disturbed.

7. Heard Mr. M.Thamizhavel, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate for the respondents.

8. No prejudice would be caused to any of the parties, if a direction is issued to the respondents to appoint an Enquiry Officer pursuant to the impugned charge memo dated 28.10.2022 and thereafter, final orders are passed by the Disciplinary Authority based on the final report on merits and in accordance with law within a time frame to be fixed by this Court.

9. For the foregoing reasons, this Court directs the third respondent to appoint an Enquiry Officer in respect of the impugned charge memo dated 28.10.2022 issued to the petitioner, within a period of two weeks



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from the date of receipt of a copy of this order. Once an Enquiry Officer is appointed by the third respondent, the Enquiry Officer is directed to submit the report to the third respondent (Disciplinary Authority), within a period of twelve weeks thereafter. Based on the Enquiry Report, the third respondent is directed to pass final orders in the disciplinary proceedings initiated against the petitioner, on merits and in accordance with law, within a period of one month thereafter.

10. Till final orders are passed by the third respondent, the petitioner's service as a Cook shall not be disturbed by the respondents.

11. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

07.12.2022

Note : Issue order copy on 08.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
ham/vsi2

To

1. The Principal Secretary,
Backward Class, Most Backward Class &
Minorities Welfare Department,
Fort. St. George,
Chennai – 600 009.



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2. The Commissioner,
Directorate of Backward Class Welfare,
Ezhilagam, Annex Building IIInd Floor,
Chepauk,
Chennai – 600 005.

3. The District Backward and Minorities Welfare Officer,
Perambalur District.
Perambalur.



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**W.P. No.32883 of 2022
and
W.M.P.No.32286 of 2022**

07.12.2022