



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.1561 of 2022

W.M.P.[MD].No.1363 of 2022

S.Kuthalam

...Petitioner

Vs.

The District Collector,  
Tirunelveli District,  
Tirunelveli.

...Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, calling for the records relating to the impugned charge memo in Na.Ka.No.Na5/16459/2021 dated 10.06.2021 and quash the same as illegal.

For Petitioner : Mr.D.Selva Nayagam

For Respondent : Mr.S.Saji Bino

Special Government Pleader

**O R D E R**

This Writ Petition has been filed as against the order of charge memo dated 10.06.2021 issued by the respondent.

2. The learned counsel for the petitioner submits that the petitioner suffered with illness from the year 2015 and he was under treatment. He informed the same to the Block Development Officer and after recovery from the diseases, the petitioner obtained fitness certificate and appeared before the respondent on 30.09.2020 seeking permission to rejoin duty. However, the respondent did not permit him to join duty. Therefore, the petitioner has filed a writ petition before this Court in W.P.(MD).No.11365 of 2021 seeking Mandamus directing the respondent to permit him to rejoin duty. The said writ petition is also pending. However, in the mean while, the respondent has issued the impugned charge memo as against the petitioner on 10.06.2021, without providing opportunity to him.

3. Mr.S.Saji Bino, learned Special Government Pleader takes notice for the respondent and submits that the petitioner was in unauthorised absence for more than five years and he has come forward with the Fitness certificate only on 30.09.2020. Therefore, the Department has issued the impugned charge memo as against the petitioner.



4. This Court paid its anxious consideration to the rival submissions made.

5. Admittedly, the petitioner, who suffered with illness, was in unauthorised absence for duty from the year 2015 to 2020. After obtaining the fitness certificate, he approached the respondents in the month of September 2020. However, the petitioner was not permitted to join duty. Therefore, he has filed a writ petition in W.P(MD).No.11365 of 2021 and the same is still pending. While so, the respondent has issued the charge memo on 10.06.2021 as against the petitioner.

6. Considering the facts and circumstances of the case, this Court directs the respondent to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. If the enquiry is not concluded within a period of three months, the respondent shall treat the petitioner under suspension and pay subsistence allowance from thereon, till the conclusion of the enquiry. The petitioner is also expected to co-operate for the enquiry.

7. Accordingly, the Writ Petition is disposed of. No costs. Connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssb

To

The District Collector,  
Tirunelveli District,  
Tirunelveli.

+1 CC to M/s.D.SELVANAYAGAM, Advocate ( SR-2754[F] dated 28/01/2022 )

+1 CC to M/s.SPL.GP ( SR-3145[F] dated 31/01/2022 )

W.P. [MD].No.1561 of 2022  
28.01.2022

RJ(CO)  
KB(05.04.2022) 2P 4C