



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

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

W.P (MD) No.2007 of 2022  
and  
W.M.P. (MD) No.1730 of 2022

T.Viji

... Petitioner

versus

The District Collector,  
Tirunelveli District,  
Tirunelveli.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned charge memo issued by the respondent in Na.Ka.No.A6/9810/2019 dated 30.11.2021 and quash the same.

For Petitioner : Mr.Antony Arulraj

For Respondent : Mr.S.Saji Bino,  
Special Government Pleader

**ORDER**

This writ petition is filed against the charge memo dated 30.11.2021 issued by the respondent.

2. The petitioner, who is working as Deputy Tahsildar, is placed under suspension, pursuant to a case registered against him in Crime No.5 of 2019 on the file of Vigilance and Anti Corruption, Tirunelveli, and is now slapped with a charge memo dated 30.11.2021, which is impugned in this writ petition.

3. The learned counsel for the petitioner submits that the entire allegation is based on the complaint given by one Ravi. In the said complaint, it is alleged by the said Ravi, that when he came to the Taluk office to meet the new Tahsildar, he was informed to meet the petitioner and when he met the petitioner, the petitioner demanded a sum of Rs.5,000/- as bribe. The said Ravi is having a licence for quarrying in a leased patta land. When he is a licensee, there is no necessity for him to meet the Tahsildar.



Therefore, the allegation made in the FIR is not correct and he is not a genuine witness. He further submits that the Deputy Superintendent of Police, Vigilance and Anti Corruption, Tirunelveli, after completing the investigation, filed a final report before the learned Judicial Magistrate and the same was committed to the learned Special Judge for Prevention and Corruption Cases, Tirunelveli and taken on file as Spl.C.C.No.1 of 2020. According to the petitioner, the witnesses cited in the charge memo are also the witnesses in Spl.C.C.No.1 of 2020. Therefore, if the departmental proceedings are allowed to proceed before the commencement of trial, then the respondent may fill up the lacuna, if any, through the stand taken by the petitioner during the departmental proceedings and then it would affect his personal liberty during the trial.

4. Mr.S.Saji Bino, learned Special Government Pleader submits that the grounds raised by the petitioner cannot be considered. It is the settled position of law that this Court is not supposed to interfere with the charge memo and the pendency of criminal case is not a bar for the Department to proceed with the departmental proceedings. The learned Special Government Pleader has also relied upon the Judgment of the Hon'ble Apex Court in **Capt M.Paul Anthony Vs. Bharath Coal Mines Limited and another**, reported in **1999 (3) SCC 679**,

5. This court paid its anxious consideration to the rival submissions.

6. The petitioner is now facing departmental proceedings. The Vigilance and Anti Corruption, Tirunelveli, on the same set of facts, registered a case and also filed a final report against the petitioner in Spl.C.C.No.1 of 2020 and the same is pending trial before the learned Special Judge for Prevention and Corruption Cases, Tirunelveli. The witness Nos.1 to 7 cited in the charge memo are also the witness Nos.2, 3, 4, 13, 9, 7, 8 respectively in Spl.C.C.No.1 of 2020. Therefore, the petitioner apprehends that if he takes a defence during the departmental proceedings, then, it would affect his defence of acquittal during the trial.

7. The petitioner is facing serious charge and the fact remains that though the final report was filed in the year 2020, the trial Court has not proceeded with trial so far.

8. Therefore, this Court directs the trial Court to expedite the trial and examine the witnesses upto L.W.9, within a period of six months from the date of receipt of a copy of this order. Till the examination of L.W.9, the departmental proceedings shall be deferred. Since the departmental proceedings is deferred for want of examination of witnesses upto L.W.9, the trial Court, without any delay, shall proceed with the trial and complete the examination of witnesses upto L.W.9 within the period as directed by this Court.



Accordingly, the writ petition is disposed of. No costs.  
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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// True Copy //

/ /2022

Sub Assistant Registrar

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Collector,  
Tirunelveli District,  
Tirunelveli.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate ( SR-3900[F] dated 03/02/2022 )

+1 CC to M/s.SPL.GP ( SR-3940[F] dated 03/02/2022 )

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02.02.2022

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