



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12352 of 2019

W.M.P (MD) .No.9233 of 2019

R.Govindasamy

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep. By its Principal Secretary, Health and
Family Welfare Department,
Fort.St.George,
Chennai-9.

2.The Director,
Medical and Rural Health Services Department,
D.M.S.Campus, Teynampet, Chennai-600 006.

3.The Joint Director of Health Services,
Sivagangai District.

4.Vijayan Madhamadakki

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.0299/Nil/2018 dated 30.03.2019 and quash the same.

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.D.S.Nedunchezian,
Government Advocate
for RR1 to 3
r.B.Saravanan for R4

ORDER

The charge memo dated 30.03.2019 is under challenge in the present Writ Petition.

2. The charge against the petitioner was about temporary misappropriation of funds. The allegation set out in the charge memo is that temporary misappropriation in respect of part amount and misappropriation in respect of the other amounts. However, the nature of allegations is to be enquired into. The petitioner was



working as Administrative Officer in the office of the Joint Director of Health Services. There was a personal enmity between the petitioner and the Joint Director of Health Services against whom charges are framed. In the charges framed against the Joint Director of Health Services, the petitioner has been cited as a witness and furthermore, in respect of the charge memo issued against the petitioner, it is relating to the temporary misappropriation of funds of the Government. Therefore, the charges are to be enquired into and the petitioner is at liberty to defend his case by producing all the documents, evidences etc., before the Competent Authority for the purpose of establishing his innocence or otherwise, in the manner known to law. The Authorities Competent are bound to conduct enquiry by following the procedures and by affording opportunity to the petitioner, and dispose of the disciplinary proceedings within a period of four months from the date of receipt of a copy of this order.

3. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Principal Secretary,
The Government of Tamilnadu
Health and Family Welfare Department,
Fort.St.George, Chennai-9.
- 2.The Director,
Medical and Rural Health Services Department,
D.M.S.Campus, Teynampet, Chennai-600 006.
- 3.The Joint Director of Health Services,
Sivagangai District.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-11980[F] dated 14/03/2022)
+1 CC to M/s.SPL GP (SR-11846[F] dated 14/03/2022)

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11.03.2022

sb (CO)

<https://hservices.ecourts.gov.in/hservices/> CC/30-03-2022) 2P 6C