



W.P(MD)No.3489 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3489 of 2018

and

W.M.P.(MD)Nos.6959 & 3619 of 2018

E.Kalyani

... Petitioner

Vs.

1.The Director of Medical and Rural Health Service,
Employees State Insurance (ESI), DMS Campus,
Tenampettai, Chennai-60006.

2.The Joint Director of Medical and Rural Health Service,
Employees State Insurance (ESI), DMS Campus,
Tenampettai, Chennai-600006.

3.The Regional Administrative Medical Officer,
EST Scheme,
K.K.Nagar,
Madurai-625 020.

4.The Store Medical Officer,
Central Medical Store (CMS),
Office of RAMO, ESI, K.K.Nagar,
Madurai-20.

5.Office Superintendent,
Store Section, Office of RAMO, ESI,
K.K.Nagar,
Madurai-625020.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the entire records connected with the impugned charge memo issued by the first respondent in Ref.No.1042/ESI/SC/2/2018, dated 06.02.2018 and quash the same.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.AK.Manikkam
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was working as medical store officer in the office of the Regional Administrative Medical Officer(ESI), K.K. Nagar, Madurai. She was issued with the impugned charge memo dated 06.02.2018. Challenging the same, the present writ petition has been filed.

3. The writ petition was admitted and an interim order of stay was granted. To vacate the same, the second respondent had also filed an affidavit.

4. The charges framed against the writ petitioner are as follows:-

Charge 1:- “that Tmt.E.Kalyani, Medical Store Officer, Central Medical Stores, Office of the Regional Administrative Medical Officer (ESI), Madurai had derelicted her duties as follows:-

1. Tmt.E.Kalyani, Medical Store Officer, was wholly responsible to prepare the medicine indent to the ESI Dispensaries of Madurai region and she had failed



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to submit the indent to this Directorate for the past two years ie., 2015-16, 2016-17 (except RRC-140).

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2. Tmt.E.Kalyani, Medical Store Officer was responsible for not taking any action to transfer the item Tiate Roto Caps 30*6950 before its expiry which make loss of Government money to the tune of Rs.10,56,510/- (Rupees Ten Lakhs Fifty Six Thousand Five Hundred and ten only)

3. Tmt.E.Kalyani, Medical Store Officer was lacked in her duties for preparing the indent, replace the sub-standard medicine in time which make loss to the Government money she had not brought to the notice of the Regional Administrative Medical Officer (ESI), Madurai about the all things. Thus, she failed in her legitimate duty. ”

5. My attention is drawn to Annexure-III of the charge memo which contains the list of documents by which the charges were proposed to be sustained.

6. One R.Anandha Raj had sent a complaint dated 17.09.2017 based on which an enquiry was conducted by the second respondent herein. He submitted a report dated 15.12.2017. On that basis, charge memo has been framed. Along with the writ petitioner, one Chitti Babu was also proceeded with but he was allowed to retire after being censured.

7. The learned Special Government Pleader produced a copy of the communication dated 12.09.2022 addressed by the Regional Administrative Medical Officer, Madurai to the first respondent in which it has been categorically admitted that there has been no financial loss caused to the Government. Thus, the primary charges framed against the writ petitioner goes



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automatically.

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8. The enquiry report submitted by the second respondent into the complaint of Thiru.Anandha Raj has also been produced before me. A reading of the same clearly indicates that even according to the second respondent, the writ petitioner was not at fault. The second respondent after careful investigation and enquiry, went to the extent of concluding that the complaint received against the petitioner was a false one. More than anything else, the said Anandha Raj in whose name a complaint had been received was a fictitious person. When such a clean-chit had been given to the writ petitioner by the second respondent, I fail to understand as to how the charge memo came to be issued. I have no hesitation to come to the conclusion that the very foundation on which the charge memo stands is non-existent.

9. The impugned charge memo is quashed. The Writ Petition is allowed.

No cost. Consequently, connected miscellaneous petition is closed.

23.09.2022

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 27.09.2022



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To

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G.R.SWAMINATHAN, J.

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