



W.P(MD)No.24737 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24737 of 2022

and

W.M.P.(MD)No.18833 of 2022

V.Durairaju

... Petitioner

Vs.

1.The Executive Engineer (Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thuraiyur, Thiruchirapalli District.

2.The Assistant Executive Engineer (Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Uppiliyapuram, Thiruchirapalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned charge memo of the first respondent in Ku.Aa.No. SePo/EKa/ Thurai/ NiPi/ Vu1/ Ko.Kamukkam/ O.Na/ A.No. 2693/22 dated 21.10.2022 and consequential order of the second respondent in Ku.Aa.No. Vu.Se.Po/ EKa/Vu. Puram Ko.Kattu/ A.No. 07/22- 23 dated 21.10.2022 quash the both as illegal and unlawful.



W.P(MD)No.24737 of 2022

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mr.S.Arivalagan,
Standing Counsel.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents.

2.The petitioner questions the impugned charge memo dated 21.10.2022.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. His primary ground is that the charge memo discloses predetermination. There is a reference to the preliminary enquiry and it reads that it has already been established that the petitioner had committed the alleged misconduct. There is some merit in the contention of the petitioner's counsel that if enquiry is to be conducted on such charges and the charge memo itself has already concluded the petitioner's guilt, then the enquiry will be farce. He would further contend that the charge memo has been issued with a delay of five years and there is no explanation for the delay.



W.P(MD)No.24737 of 2022

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4.It is well settled that the scope for intervention at the charge memo stage is fairly limited. In order to protect the rights of the writ petitioner, I make it clear that the charge memo will not be understood to mean that the defence of the writ petitioner is foreclosed. All his contentions are left open. The enquiry officer will render findings based on the evidence adduced before him. He will not in any be influenced by any of the observations or conclusions set out in the impugned charge memo. In other words, the petitioner will be entitled to present his case with a clean slate.

5.With these observations and clarifications, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.11.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.24737 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.24737 of 2022

01.11.2022