



W.P.No.267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.267 of 2023
and W.M.P.No.262 of 2023

Manjula

.. Petitioner

VS

1.The Principal Secretary to Government,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Secretariat, St.George Fort,
Chennai.

2.The Commissioner,
Backward Classes Welfare Department,
Chepauk, Chennai.

3.The District Backward Classes and
Minorities Welfare Officer,
Thiruvarur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari to call for the records relating to
the impugned charge memo issued by the third respondent in his
proceedings in Na.Ka.I1/223/2022 dated 22.11.2022 and quash the
same.



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For Petitioner : Mr.S.Kadarkarai
For Respondents : Mr.D.Ravichander,
Special Government Pleader

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ORDER

1. The petitioner has challenged the impugned charge-memo issued by the respondent dated 22.11.2022 on the ground that the impugned charge-memo is arbitrary and illegal in view of the fact that the petitioner was duly selected to the post of Cook pursuant to the earlier recruitment made by the respondents.

2. The charge-memo has been issued to the petitioner on the ground that the petitioner has subsequently failed in the practical test for not being able to prepare the food items. The question of interfering with the impugned charge-memo, at this stage, will not arise. The contentions of the petitioner that have been raised in this writ petition cannot be considered by this Court under Article 226 of the Constitution of India.

3. The petitioner has already submitted an explanation to the impugned charge-memo to the respondents stating her objections to the same. Necessarily, the petitioner will have to participate in the



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inquiry proceedings to be conducted by the respondents pursuant to the issuance of the impugned charge-memo. However, the respondents will necessarily have to afford fair hearing to the petitioner to enable her to raise all objections available to her under law. As she categorically contends in this writ petition that for no fault of her, she has been given the impugned charge-memo, the time frame will also have to be fixed by this Court for the completion of the inquiry proceedings by the respondents.

4. Learned Special Government Pleader appearing for the respondents would submit that, within a period of eight weeks from the date of receipt of a copy of this order, the inquiry proceedings in respect of the disciplinary proceeding initiated against the petitioner will be completed. The said statement is recorded by this Court.

5. Learned counsel for the petitioner would also seek permission of this Court that the petitioner be given a chance to submit an additional explanation to the respondents to the impugned charge-memo. No prejudice would be caused to the respondents if such a permission is granted by this Court.



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6. For the foregoing reasons, this Court dispose of the writ petition by directing the petitioner to submit an additional explanation to the impugned charge-memo dated 22.11.2022 to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said additional explanation, the third respondent shall complete the disciplinary proceedings initiated against the petitioner pursuant to the issuance of the impugned charge-memo dated 22.11.2022 within a period of eight weeks thereafter. No costs. Connected miscellaneous petition is closed.

06.01.2023

Index:Yes/No

Neutral Citation:Yes/No
ssm

To

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Chennai.
- 2.The Commissioner,
Backward Classes Welfare Department,
Chepauk, Chennai.
- 3.The District Backward Classes and
Minorities Welfare Officer,

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Thiruvarur District.

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ABDUL QUDDHOSE,J.

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