



W.P.No.3198 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3198 of 2017
and W.M.P.Nos.21023 and 3143 of 2017

R.Harikrishnan

.. Petitioner

Versus

The Director of Rural Development &
Panchayat Raj, Panagal Buildings,
Saidapet, Chennai - 15.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records pertaining to the respondent herein in his ROC.No.64675/2016/DPC 2-2 dated 27.10.2016 formulating a charge under Rule 17(a) and quash the same.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Certiorari seeking interference with the charge memo issued under Rule 17(a) of the Tamil



W.P.No.3198 of 2017

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Nadu Civil Services (Discipline and Appeal) Rules, dated 27.10.2016 in
ROC.No.64675/2016/DPC 2-2.

2. The petitioner is working as Assistant Executive Engineer at Ulundurpet. He went on leave from 19.09.2016. Bu, however, even prior to that date, on 16.09.2016, an order had been issued by the competent authority transferring him to Morappur Sub Division in Dharmapuri District. The learned Counsel claims that the petitioner was not aware of this particular transfer order. Further transfer order was issued on 27.10.2016 transferring him from Morappur to Perambalur unit. He joined in Perambalur unit on 28.10.2016. But, since he never went over to Morappur in Dharmapuri District, the impugned charge memo had been issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. It is only a show cause notice. It is in the interest of the petitioner that he answers to the show cause notice. He also has another choice. He may not answer and permit the respondent to pass any order as is required in the circumstances. But, it would be only to his advantage that he gives



W.P.No.3198 of 2017

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necessary explanation. This Court cannot direct him to give an explanation but can leave that to his own wisdom. But, any explanation given must be examined by the respondent and suitable orders in accordance with the explanation must be passed by the respondent. The Court can never interfere with a show cause notice as it is only an authority exercised by the respondent on the petitioner who is after all working under the respondent and is bounded by Service Rules to answer to the show cause notice.

4. The stay, which had been granted of further proceedings of the show cause notice, in W.M.P.No.3143 of 2017, stands vacated. The petitioner is advised that he may take a decision to reply to the show cause notice on or before 26.07.2023. If the said reply is given on or before 26.07.2023, the respondent may proceed further in manner known to law.

5. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2023

Index : yes/no
Speaking order/Non-speaking order



W.P.No.3198 of 2017

Neutral Citation : yes/no

grs

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Note : Issue order copy on 07.07.2023.

To

The Director of Rural Development &
Panchayat Raj, Panagal Buildings,
Saidapet, Chennai - 15.



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W.P.No.3198 of 2017

C.V.KARTHIKEYAN, J.

grs

W.P.No.3198 of 2017
and W.M.P.Nos.21023 and 3143 of 2017

05.07.2023