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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.3046 of 2023
AND
C.M.P.No.25243 of 2023

B.Vimala .. Appellant

Vs.

The Principal Secretary to Government/
Commissioner of Commercial Tax
Ezhilagam, Chepauk
Chennai 600 005 .. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.09.2023 passed by the learned Judge in W.P.No.27624 of 2023.

For Appellant : Mr.D.Srinivasan

JUDGMENT

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

The appellant is the petitioner in WP.No.27624 of 2023. She has

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preferred this appeal, assailing the order dated 21.09.2023 passed by the learned Judge in dismissing the writ petition, observing that the appellant / writ petitioner has to face the enquiry by submitting her explanation to the charge memo issued by the respondent on 04.02.2023 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

2.This writ appeal has come up today for admission. The writ petition from which the present appeal has emanated, was filed challenging the charge memo dated 04.02.2023 issued to the appellant for the alleged unauthorised absence for more than 3 months. In the impugned order, the learned Judge has pointed out that no materials whatsoever have been placed to interfere with the charge memo and hence, it was observed that the appellant has to face the enquiry and give explanations.

3.After hearing the learned counsel for the appellant and upon persual of the documents enclosed in the typed set of papers, it is seen that even though enquiry officer was appointed and summons was also issued on 19.09.2023, no explanation has been given by the appellant, despite the direction issued by the writ court in the order impugned herein. Therefore, this court is not inclined to interfere with the same.

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4.At this juncture, the learned counsel for the appellant submitted that the appellant may be granted liberty to place her detailed objections along with supporting materials to the respondent, within a time frame to be stipulated by this court.

5.Taking note of the above submission of the learned counsel for the appellant and also the facts and circumstances of the case, this Court grants four weeks time from the date of receipt of a copy of this judgment, to the appellant to submit her explanation annexing all the materials supporting her claim, to the Enquiry Officer and on receipt of the same, the Enquiry officer shall consider, complete the enquiry and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

6.With the above directions, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D, J.] [M.S.Q, J.]
03.11.2023

Internet : Yes
Neutral Citation : Yes/No
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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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To

The Principal Secretary to Government/
Commissioner of Commercial Tax
Ezhilagam, Chepauk
Chennai 600 005

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W.A.No.3046 of 2023

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

At the instance of the learned counsel appearing for the appellant, this appeal is listed today under the caption “for being mentioned”.

2. The learned counsel appearing for the appellant brought to the notice of this Court that in paragraph 5 of the judgment dated 03.11.2023, it has been inadvertently typed as “Enquiry Officer” instead of “Disciplinary Authority”, before whom the materials to be placed and sought to rectify the same.

3. In view of the above, the said error is rectified. Further, we are permitting the appellant to place her submissions/objections within four weeks from today. Accordingly, the Registry is directed to issue fresh order copy.

[R.M.D., J.] [M.S.Q., J.]
12.12.2023

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