



W.P(MD)No.7881 of 2023.P(MD)No.7881 of 2023.P(MD)No.7881 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7881 of 2023
and
W.M.P.(MD)Nos.7300 and 7301 of 2023

M.Sakthivel

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by Additional Chief Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai – 600 009.

2.The Director of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 600 028.

3.The Regional Director of Municipal Administration,
Melakkal Main Road,
Kochadai, Madurai – 625 016.

... 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



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records pertaining to the impugned charge memo issued by the
2nd respondent in Na.Ka.No.38218/2022/C1, dated 23.01.2023 and
quash the same .

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.T.Vilavankothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned
Additional Advocate General assisted by the learned Additional
Government Pleader for the respondents.

2.The petitioner is presently working as Municipal Commissioner,
Manamadurai Municipality. He questions the impugned charge memo
dated 23.01.2023.

3.The Hon'ble Apex Court in the decision rendered in Union of
India and Another vs Kunisetty Satynarayana, (Civil Appeal No.5145 of



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2006) held that ordinarily a writ petition should be entertained against a mere charge sheet. A mere charge sheet does not give rise any cause of action. Of course, the Court will intervene, if it can be shown that charge memo has been issued without jurisdiction. At this stage, the learned counsel for the petitioner submitted that since the petitioner did not have access to the relevant files, he could not offer effective explanation. The petitioner is permitted to submit a formal requisition to the disciplinary authority setting out the files which are required to furnish his explanation. On receipt of the same, the disciplinary authority is directed to permit the petitioner to have access to the same and also permit him to take notes therefrom. The petitioner can do the inspection and peruse them in the presence of departmental representative. It is open to the authorities to install CCTV to ensure no tampering takes place at the time of perusing. The petitioner will be given atleast four hours to peruse the relevant files. Within a period of one week thereafter, the petitioner shall offer his explanation. The employer shall go through the explanation and if the employer is satisfied, he can even drop the proceedings. If the employer is not satisfied, the enquiry will commence thereafter. The impugned proceedings will be put on hold till a decision



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is taken by the disciplinary authority. If the petitioner fails to avail the opportunity of perusal or if he fails to offer his explanation within one week thereafter, the benefit of this order will stand vacated. All the contentions of the petitioner on the merits of the matter are left open.

4.The writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

10.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.04.2023.



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To:-
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G.R.SWAMINATHAN, J.

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