



W.P(MD)No.9690 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.9690 of 2023**

**and**

**W.M.P(MD)Nos.8567 & 8568 of 2023**

M.Arockiasahayaraj

... Petitioner

Vs

The District Collector,  
Pudukottai District,  
Pudukottai.

... Respondent

Prayer: Writ 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 passed by the respondent in Lr.No.Na.Ka.Pa1/0404/2023 (Development) - 4 dated 16.02.2023 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.T.Villavan Kothai  
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.



W.P(MD)No.9690 of 2023

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2. The petitioner is presently working as Deputy Block Development Officer. He is due for promotion for the post of Block Development Officer. At this stage, the impugned charge memo has been issued. As a result, the petitioner's promotional chances have been affected.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He submitted that there is absolutely no documentary evidence or material in support of the charges. When the petitioner applied to the respondent for being furnished with the relevant documents, the respondent could not positively respond to the petitioner's request. The learned counsel for the petitioner also states that the authority must have first verified the signature found in the offending cheque and only thereafter thought of even framing the charge memo. He wants this Court to direct the respondent to send the document in question for forensic test.

4. Though the contentions of the learned counsel for the petitioner are quite persuasive, I am not in a position to interfere. The Hon'ble Apex Court has repeatedly held that only if the charge memo suffers from want of jurisdiction or has been issued for malafide reasons or the charge memo is



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liable to be quashed in view of the inherent improbability of the charges, the writ Court will not be justified in interfering. The case on hand may not fall within the exceptional circumstances. The petitioner will have to establish his innocence only in a regular enquiry. The respondent is directed to conclude the enquiry and pass final order on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. I am constrained to issue such a direction for time bound conclusion of the proceedings only for the reason that the petitioner's promotional prospects are under a cloud.

5. With this direction to the respondent and leaving open all the defenses and contentions of the writ petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**25.04.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
MGA

**Note: Issue Order Copy on 27.04.2023.**



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W.P(MD)No.9690 of 2023

**G.R.SWAMINATHAN, J.**

MGA

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