



W.A(MD)No.1328 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1328 of 2023
and
C.M.P(MD)No.10041 of 2023

N.Sampath

... Appellant/Petitioner

Vs.

The Managing Director,
Tamilnadu State Marketing Corporation Limited,
4th Floor, CMDA Tower-2,
Egmore, Chennai-600 008.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.14286 of 2023, dated 16.06.2023.

For Appellant : Mr.N.Balamuralikrishnan

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This writ appeal is directed against the order of the learned Single Judge dismissing the writ petition filed by the petitioner in W.P.(MD)No.14286



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of 2023, dated 16.06.2023 refusing to interfere with the impugned order, which is nothing but charge memo issued to the petitioner.

2. The petitioner was working as Assistant Manager in the respondent Corporation. It is also admitted that he has reached the age of superannuation. However, he was not allowed to retire as the appellant was implicated in a vigilance case in the year 2018. It appears that the petitioner was found in possession of Rs.37,650/- (Rupees Thirty Seven Thousand Six Hundred and Fifty only) on 26.10.2018 when there was a surprise inspection by the Vigilance and Anti Corruption. Therefore, a criminal case in Cr.No.2 of 2019 was also registered against the petitioner. Later, DVAC dropped the criminal proceedings. They had recommended for initiation of departmental proceedings and on recommendation, the disciplinary authority proceeded with the departmental proceedings. When the charge memo was issued to the petitioner, the same was challenged before the writ Court and the learned Single Judge found that the departmental action is not vitiated merely because criminal case was withdrawn later for want of strict proof. The learned Single Judge has also given sufficient reason why in the present case, the charge memo is not vitiated merely because there is a delay. The learned Single Judge also found that the delay in issuing the charge memo is properly explained.



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3. Having regard to the reasons stated in the order, this Court finds no other valid ground to interfere with the charge memo and therefore, this writ appeal is dismissed.

4. The learned counsel for the petitioner submits that the respondent may be directed to furnish the copies which are relied upon by the respondent in the disciplinary proceedings.

5. It is open to the petitioner to give a representation to the respondent. On receipt of such representation, the respondent will consider the same on merits and in accordance with law, within a period of three weeks from the date of receipt of such representation. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
20.07.2023

Index : Yes / No
Internet : Yes/No
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