



W.P.No.435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.435 of 2024
and
W.M.P No.467 of 2024

S.Nagarajan

...Petitioner

-Vs-

The Tamil Nadu Civil Supplies Corporation,
Rep. by its Managing Director,
No.10, Thambuswamy Road,
Chennai-10.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the charge memo in Na.K.a No.AD7/13163/2022 - (9) dated 13.04.2023 on the file of the respondent herein and quash the same.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.C.Selvaraj,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the charge memo dated 13.04.2023 on the file of the respondent.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Regional Manager at Vellore Region and there was procurement operation of the Paddy KMS 2020-2021. The procurement operation was subjected to surprise inspection by the Joint Managing Director on 06.08.2021, who found irregularities in the procurement of paddy. Therefore, the petitioner was placed under suspension on 07.08.2021. He was served with a charge memo dated 08.01.2022 alleging dereliction of duties. He submitted an explanation on 11.02.2022. Thereafter, an Enquiry Officer was appointed and enquiry was conducted. On receipt of the enquiry report, the petitioner submitted an explanation, which is pending for passing final order.

4. In the meanwhile, a complaint was lodged on 04.04.2022 before the CBCID, Vellore, alleging some irregularities in the procurement of KMS paddy during the year 2020-2021. Non-passing of final order on the enquiry report and explanation submitted by the petitioner, the petitioner approached this Court by way of writ petition in W.P.No. 21111 of 2023 and



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this Court, by an order dated 18.07.2023, directed the Disciplinary Authority and pass final order within a period of four weeks. On the complaint lodged before the CBCID, an enquiry was conducted and the respondent initiated the disciplinary proceedings as against the petitioner. Pursuant to the same, he was served with a charge memo dated 13.04.2023.

5. The learned counsel appearing for the petitioner would submit that it does not contain any list of witnesses and documents, which is mentioned in the annexure, were not served with the petitioner. Admittedly, the charge memo was duly received by the petitioner. A perusal of the charge memo reveals that it consist of four charges. Accordingly, he is an accused in Crime No.1 of 2022 for the offences under Sections 166, 167, 420 and 120B of IPC @ 166, 167, 420, 465, 467, 468, 471, 409 and 120B of IPC. The petitioner was given 15 days time to submit his explanation from the date of receipt of the charge memo. However, the petitioner failed to submit any explanation so far. After a period of seven months, now the petitioner challenged the charge memo dated 13.04.2023 on the ground that the petitioner was not furnished with the annexed documents and no list of witnesses was furnished by the respondent. Even according to the Disciplinary Authority, there is no witness to be



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examined. That apart, the annexure consists of a letter dated 03.06.2022 issued in pursuant to the registration of the FIR in Crime No.1 of 2022 for the offences under Sections 166, 167, 420 and 120B of IPC @ 166, 167, 420, 465, 467, 468, 471, 409 and 120B of IPC on the file of the CBCID, Vellore. Therefore, already the FIR is very much available and as such, the petitioner cannot challenge the very charge memo itself on those grounds.

6. In view of the above, the grounds raised by the petitioner cannot be considered. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

10.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

The Managing Director
The Tamil Nadu Civil Supplies Corporation
No.10, Thambuswamy Road
Chennai-10.



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