



W.P.No.2520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2520 of 2024 and
W.M.P.Nos.2760 & 2762 of 2024

T.Karthikeyani

...Petitioner

-Vs-

- 1.The Principal Secretary
Government of Tamil Nadu
Highways and Minor Ports (HL2) Department
Fort St. George
Chennai – 9.
- 2.The Director General
Highways Department
Chennai – 25.
- 3.The Chief Engineer,
Highways, Planning, Designs and Investigation,
Chennai – 25.
- 4.The Commissioner
Hindu Religious and Charitable Endowments Department,
Chennai – 34.



W.P.No.2520 of 2024

5.The Deputy Secretary to Government and Under Secretary
Highways Department
Fort St. George, Chennai – 9.

6.The Private Secretary to Secretary
Highways Department
Fort St. George,
Chennai – 9.

7.R.Gothandaraman

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent ending with Charge Memo Na.Ka.No.25565/2018/L5 dated 18.06.2019 as forwarded by letter No.7403/HL-2/2017-10 dated 29.08.2020 sent by the first respondent and the consequential suspension order GO (3D) No.2-Highways and Minor Ports (HL-2) Department dated 12.11.2020 issued by the first respondent and quash the same and consequently direct the respondents 1 and 2 to post the petitioner as Joint Chief Engineer-Highways in the Department of the first petitioner as the earliest.

For petitioner : Mr.T.M.Pappiah

For respondents 1 to 3 & 5 : Mr.K.Tamilvendan
Government Advocate

For respondent 4 : Mr.S.Ravichandran
Additional Government Pleader



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W.P.No.2520 of 2024

ORDER

This writ petition has been filed challenging the charge memo dated 18.06.2019 and the letter dated 29.08.2020 on the file of the first respondent.

2. The petitioner had joined in the Highways Department as Assistant Engineer on 04.09.1991. Thereafter, he was promoted to the post of Assistant Divisional Engineer and subsequently he was promoted as Superintending Engineer and posted in Hindu Religious and Charitable Endowment on deputation basis. While being so, she was served with charge memo dated 18.06.2019 under Rule 17(b) of the TamilNadu Civil Services (Discipline and Appeal) Rules, 1953. Thereafter, the petitioner was issued show cause notice and the petitioner also submitted her explanation for the said charge memo. Thereafter, the petitioner was relieved from HR&CE Department and posted in the Highways Department by letter No.25565/2018/L.5 dated 25.06.2019. The only grievance of the petitioner is that no enquiry has been conducted after the receipt of her



W.P.No.2520 of 2024

explanation and her suspension order also not revoked so far. After receipt of the petitioner's explanation, the enquiry officer was appointed to proceed with disciplinary enquiry. However, several files were missing in the 7 files out of 33 files listed in the Annexure-I. That apart, on perusal of the charge memo, only 33 numbers of files had been sent to the office out of 46 numbers of files referred in the Annexure-3 of the charge memo. Subsequent to that missing 7 files and the remaining 13 files had been requested from the Government through communication dated 15.09.2021. Only 4 files out of 13 remaining files have been received at the office on 03.10.2023 vide commissioner, Hindu Religious and Charitable Endowments Department. Therefore, the balance 9 numbers of files and the missing pages of the 7 files have not been received so far. Therefore, the enquiry could not be conducted.

3. Considering the above facts and circumstances, the disciplinary authorities are directed to complete the disciplinary proceedings and pass final orders within a period of six months from the date of receipt of copy of this order.



W.P.No.2520 of 2024

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4. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

06.02.2024

Index : Yes/No

Internet: Yes/No

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W.P.No.2520 of 2024

G.K.ILANTHIRAIYAN,J.
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To

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06.02.2024