



W.P.No.4733 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM:

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

W.P.No.4733 of 2020
and W.M.P.No.5592 of 2020

B.Shajitha

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
rep. by Secretary to Government,
Finance (T and A-I) Department,
Fort St.George, Chennai -600 009.
2. The Principal Secretary / Commissioner of
Treasuries and Accounts,
Commissionerate of Treasuries and Accounts,
Integrated Complex for Finance Department,
3rd Floor,
Veterinary Hospital Campus, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Regional Joint Director,
Treasuries and Accounts Department,
Vellore Region, Vellore -1.
4. The Treasury Officer,
District Treasury Office,
Thiruvannamalai District.
5. The Director of Vigilance and Anti Corruption,
293, M.K.N.Road,
Alandur, Chennai - 600 016.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second Respondent relating to Charge Memo Rc.No.17245/Q2/2018 dated 14.09.2019 issued by the second Respondent, to quash the same and consequently direct the Second Respondent to desist from initiating further action, till the disposal of the criminal case registered in Criminal Case Special Case No.2/2019 in the Court of Chief Judicial Magistrate, Thiruvannamalai, against the Petitioner on the same allegations.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.V.Manoharan
Additional Government Pleader
ORDER

This writ petition has been filed challenging the charge memo dated 14.09.2019 on the file of the second respondent.

2. Heard both sides and perused the materials available on record.

3. The petitioner was selected through Group II examination conducted by the Tamil Nadu Public Service Commission, during the year 2009 and she was appointed in the department of Treasuries and Accounts as an Accountant. Subsequently, she was promoted to the post of Superintendent and transferred to various places. While being so, on the complaint from the Vigilance and Anti Corruption Department alleging that the petitioner had demanded and received



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a sum of Rs.10,000/- as bribe from the complainant one Padmaraj for the purpose of sanctioning enhanced family pension for one Rajeswari. Pursuant to the said complaint, the petitioner was suspended from service on 27.04.2018. After completion of investigation, final report has been filed and the same has been taken cognizance in Spl CC.No.2 of 2019 on the file of the Chief Judicial Magistrate, Thiruvannamalai.

4. Simultaneously, the second respondent issued charge memo dated 14.09.2019 consisting of the following charge:-

“ Charge No.1:

Tmt.B.Shajitha, while working as Sub Treasury Officer, Sub Treasury, Cheyyar, Tiruvannamalai District has demanded and accepted Rs.10,000/- (Rupees Ten thousand only) as bribe on 27.04.2018 from Thiru. A.Padmaraj for sanctioning additional pension arrears of his aunt Tmt.S.Rajeswari. She was trapped and arrested by vigilance authorities on 27.04.2018 and was remanded under judicial custody till 11.05.2018. Thus, by demand and acceptance of bribe for doing her official 'duty' she was brought disgrace to the Treasuries and Accounts Department and also failed to maintain absolute integrity and devotion to her duty and acted in such a manner which is unbecoming of a Government Servant and thus violated Rule 20(1) of Tamil Nadu Government Servants Conduct Rules, 1973.”



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5. The petitioner challenged the charge memo only on the ground that a criminal case and the disciplinary proceeding cannot go simultaneously, since the charge memo was issued only based on the involvement of the petitioner in the criminal case. The departmental proceedings and the criminal case are based on exactly identical and similar sets of facts and evidence, without any iota of difference and the charge in the criminal case is grave nature involving complicated question of law and facts, it is desirable to stay the departmental proceeding till the conclusion of the criminal case.

6. A perusal of records revealed that on the criminal complaint, the Vigilance and Anti Corruption had set up a trap, in which the petitioner got red-handedly on 27.04.2018 and arrested and remanded to judicial custody. Therefore, the petitioner was deemed to be suspended from service by an order dated 27.04.2018. In fact, the said order of suspension was challenged before this Court in W.P.No.16518 of 2018 and this Court directed to consider the representation seeking to quash the order of suspension. However, it was rejected by an order of rejection dated 16.12.2019. Thereafter, an Enquiry Officer was appointed. Now, even after completion of enquiry, in view of the interim order passed by this Court, the second respondent could not able to pass final order.

7. The learned counsel for the petitioner is not in a position to reveal the



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position of the criminal case before this Court. The criminal case was taken into cognizance by the Trial Court in the year 2019. That apart, the petitioner had committed grave offence. Further, there is no embargo for simultaneous disciplinary proceedings along with a criminal case.

8. In view of the above facts and circumstances, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and is liable to be dismissed. However, the second respondent is directed to pass final order on the charge memo dated 14.09.2019, within a period of six weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

10.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
mn

G.K.ILANTHIRAIYAN. J.



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To

1. The Secretary to Government,
The Government of Tamil Nadu,
Finance (T and A-I) Department,
Fort St.George, Chennai -600 009.
2. The Principal Secretary / Commissioner of
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