



WEB COPY



W.P.No.3538 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.3538 of 2018
and
W.M.P.No.4343 of 2018

R.Bagyalakshmi

... Petitioner

Vs.

1.The Principal District Judge/
Disciplinary Authority,
Namakkal – 637 001.

2.The Subordinate Judge/
Enquiry Officer,
Tiruchengode – 637 211.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to ROC.No.1670/A/2016 dated 15.02.2016 on the file of the first respondent herein and to quash the same.



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For Petitioner : Mr.S.Subbiah
Senior Counsel
for Mrs.Elizabeth Ravi

For Respondents : Mr.S.Haja Mohideen Gisthi

ORDER

(Order of this Court was made by S.M.SUBRAMANIAM,J.)

The show cause notice issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in proceeding dated 15.02.2016 is sought to be quashed in the present writ petition.

2. The petitioner was working as Grade-1 Bench Clerk in the Judicial Service. Certain lapses and dereliction of duties were identified and a show cause notice was issued by the learned Principal District Judge/Disciplinary Authority, Namakkal in proceedings dated 15.02.2016. The petitioner instead of submitting explanation to the allegations, he has chosen to file the present writ petition on merits.

3. Adjudication of merits and its scope in a departmental disciplinary proceedings by the High Court in the writ proceedings are



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limited. All such disputed allegations are to be adjudicated with reference to the documents and evidences available on record. Under Rule 17 (a) of the Discipline and Appeal Rules summary proceedings are to be conducted. On receipt of explanation from the Delinquent employee, the Disciplinary Authority has to consider the issues and pass final orders.

3.1 In the present case, the petitioner has not established that the impugned show cause notice suffers from the allegations of mala fides or issued by an incompetent Authority. Thus, we do not find any ground to interfere with the show cause notice issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3.2 The 1st respondent/Disciplinary Authority, Namakkal is directed to complete the procedures in all respects and pass final orders in the departmental disciplinary proceedings initiated against the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
05.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1.The Principal District Judge/
Disciplinary Authority,
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