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W.P.No.6888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6888 of 2024

W.M.P.No.7692 of 2024

S.Parthasarathy

...Petitioner

-Vs-

1.The Chairman & Managing Director
Chennai Metro Water Supply and Sewerage Board
No.1, Pumping Station Road, Chintadripet
Chennai – 2.

2.The Executive Director
Chennai Metro Water Supply and Sewerage Board
No.1, Pumping Station Road, Chintadripet
Chennai – 2.

3.The Vigilance Officer/General Manager
Chennai Metro Water Supply and Sewerage Board
No.1, Pumping Station Road, Chintadripet
Chennai – 2.

4.The Executive Engineer
O/o. Superintending Engineer-Planning V
Chennai Metro Water Supply and Sewerage Board
No.1, Pumping Station Road, Chintadripet
Chennai – 2.

5.E.Paranthaman



W.P.No.6888 of 2024

6.The Inspector of Police
Vigilance and Anti Corruption
City I Detachment, Chennai – 28.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining the Charge Memo No.CMWSSB/P&A/VC2/1438/2018 dated 14.02.2019 on the file of the 3rd respondent and the consequential communication in Lr.No.CMWSSB/SE.V/EE/VC/1438/15/2023 dated 09.08.2023 on the file of the 4th respondent.

For petitioner	: Mr.R.Selvakumar
For respondents 1 to 5	: Mr.Krishna Ravindren Standing Counsel
For respondent – 6	: Mr.V.Veluchamy Additional Government Pleader

ORDER

This writ petition has been filed challenging the charge memo dated 14.02.2019 issued by the third respondent.

2. The petitioner while working as Assistant Engineer, FIR has been registered in Crime No.12 of 2013 on the file of the Vigilance and



W.P.No.6888 of 2024

Anti-Corruption Wing, Chennai City No.1 and the petitioner was arrested and remanded to judicial custody on 16.11.2013. Therefore, the petitioner was deemed to be suspended from service by an order dated 20.11.2013 with effect from 16.11.2013. After filing final report the same has been taken cognizance by the Trial Court in C.C.No.03 of 2015. While pending trial, the third respondent issued charge memo to the petitioner dated 14.02.2019.

3. The learned counsel for the petitioner submitted that the charge memo has been issued to the petitioner after a period of six years and the criminal case is pending till now. Therefore, the disciplinary proceedings cannot be initiated since both the criminal as well as disciplinary proceedings are having same set of charges.

4. It is seen that the criminal case is pending in C.C.No.03 of 2015 on the file of the Special Court for Vigilance and Anti-Corruption Cases, Chennai. Further for the very same set of charges, the petitioner served with charge memo dated 14.02.2019.



W.P.No.6888 of 2024

WEB COPY

5. In view of the above, the Special Court for Vigilance and Anti-Corruption Cases, Chennai is directed to complete the trial in C.C.No.03 of 2015 within a period of three months from the date of receipt of copy of this order. Till then, the third respondent is directed to keep the charge memo pending and thereafter proceed with the charge memo on merits and in accordance with law.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

18.03.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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W.P.No.6888 of 2024

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W.P.No.6888 of 2024

G.K.ILANTHIRAIYAN,J.
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W.P.No.6888 of 2024

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