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W.P.No. 7515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.7515 of 2024
and
W.M.P.No.8418 of 2024**

K.Saravana Kumar

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Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary
to Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director of Municipal Administration,
11th Floor, Urban Administrative Building,
No.75, Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai.

3. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore – 641 001.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for all records relating to the Charge Memo in Na.Ka.6370/2013/M.C.1 dated 19.11.2013 issued by the third respondent herein to the petitioner and



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quash the same as illegal and consequently direct the first respondent to give all service benefits including promotion in appropriate place with all monetary benefits.

For Petitioner : Mr.Durai.Gunasekaran

For R1 & R2 : Mrs.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed challenging the charge memo dated 19.11.2013 issued by the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

3. The petitioner was appointed as Foremen in the Engineering and Water Supply Department in Coimbatore City Municipal Corporation on 21.10.1992. Subsequently, he was promoted as Junior Engineer and again promoted to the post of Assistant Executive Engineer. While being so, he was placed under suspension on 05.07.2013. Pursuant to the order of suspension, he was served with a charge memo. Challenged the said charge memo, the petitioner filed this writ petition.



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4. It is submitted that after filing of the writ petition, an Enquiry Officer was appointed to conduct the disciplinary enquiry. However, on the basis of the representation submitted by the petitioner on various grounds, five times, Enquiry Officer, was changed. Finally, the fifth Enquiry Officer conducted an enquiry and submitted his report. The petitioner was served with the enquiry report along with a show cause notice. The petitioner also submitted his explanation for the show cause notice.

5. A perusal of the enquiry report reveals that the charges levelled as against the petitioner were held “not proved”. However, on receipt of the explanation submitted by the petitioner, no final order has been passed so far.

6. In view of the above, the first respondent is directed to pass final orders on the basis of both the enquiry report and the explanation submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If the first respondent failed to pass any final order within the time stipulated by this Court, the charge memo dated 19.11.2013 shall deemed to be quashed and the petitioner is entitled



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for service and other benefits.

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7. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

21.03.2024

Internet : Yes/No

Index: Yes/No

Speaking /Non Speaking Order

Neutral Citation : Yes/No

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To

1. The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai – 600 009.

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G.K.ILANTHIRAIYAN, J.

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