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W.P.No.11214 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.11214 of 2023

and

W.M.P.No.11078 of 2023

R.Magdaline Rani

... Petitioner

Vs.

- 1.Geological Survey of India,
Rep. by its Director General,
27, J.L.N. Road,
Kolkata – 700 016.
- 2.Additional Director General,
Geological Survey of India,
Southern Regional Office,
GSI Complex, Bandlaguda,
Hyderabad – 500 068.
- 3.The Deputy Director General,
Geological Survey of India,
Su-TNP,
Inner Ring Road,
Industrial Estate near Kathipara,
Guindy, Chennai – 600 032.



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4.Dr.S.Raju,

5.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pertaining to the impugned order dated 17.03.2023 passed by 5th respondent in O.A.No.250 of 2019 and quash the same.

For Petitioner	: Mr.R.Rajesh Kumar
For R1 to R4	: Mrs.M.E.Sarashwathy Senior Panel Counsel
For R5	: Tribunal

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The *lis* on hand has been instituted challenging the order passed by the Central Administrative Tribunal, Chennai Bench dated 17th March, 2023 in O.A.No.250 of 2019.

2. The Tribunal considered the issues and dismissed the application



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filed by the writ petitioner challenging the charge memo issued by the respondents in proceedings dated 17.12.2018. Consequently, the present writ petition came to be instituted.

3. The writ petitioner is working as a Store Keeper and a charge memo has been issued in proceedings dated 17.12.2018 under Rule 14 of the Central Civil Services (Classification, Control, and Appeal) Rules, 1965. The charge memo contain 5 charges along with the statements of imputation of misconduct. Annexure–III to the charge memo listed the documents relied on by the Department, Annexure–IV provide list of witnesses to be examined.

4. Thus, we do not find any infirmity in respect of the charge memorandum issued, which is otherwise in accordance with the Discipline and Appeal Rules.

5. The petitioner submitted an explanation to the charge memorandum on 02.01.2019, denying all allegations and claiming that the charges were framed belatedly and based on some personal vengeance. The inquiry is yet to be conducted. After submitting her explanations, the petitioner approached the Central Administrative Tribunal, challenging the charge memorandum.



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The Tribunal held that the petitioner has to participate in the process of inquiry to prove her innocence.

6. Mr.R.Rajesh Kumar, learned counsel for the petitioner contended that the impugned charge memorandum is nothing but a futile exercise. This is because the petitioner has filed a sexual harassment complaint against the 4th respondent, who was holding the post of Deputy Director General during the relevant point of time. Moreover, the charge memorandum itself was issued at the instance of the 4th respondent, which is tainted with the allegations of *mala fides*. Thereafter, the 4th respondent has since been promoted as Director General and has retired from service, he is no longer working in the Department.

7. The charge memorandum *per se* does not provide a cause for instituting an original application before the Tribunal. Although allegations of *mala fides* can be a ground to quash charges, the Tribunal found that the charges pertain to the petitioner's official performance. Consequently, an inquiry must be conducted.

8. Certain allegations relate to the petitioner's habit of using abusive



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and unparliamentary language against officials. Other charges are about dereliction of duty and disobedience of departmental letters. Perusal of the charges reveal that the allegations are relating to the official performance of the petitioner in the office.

9. Therefore, the petitioner cannot be exonerated merely on the ground that she has preferred a complaint against the 4th respondent during the relevant point of time. Undoubtedly, the complaints filed by the petitioner must also to be considered and appropriate actions are to be initiated. In the present case, actions have already been taken, and the complaint was referred to the Internal Complaints Committee for conducting an inquiry, which is currently pending.

10. In respect of the charge memorandum dated 17.12.2018, we are of the considered opinion that the Tribunal has rightly held that the petitioner has to participate in the process of inquiry to prove her innocence. The correctness of the allegations are to be tested only during the course of inquiry, and the Tribunal or the High Court can evaluate the merits of the case at this point of time. All disputed facts are to be adjudicated only



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through evidences and documents available on record.

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11. Therefore, we do not find any infirmity in respect of the order passed by the Central Administrative Tribunal. The petitioner is at liberty to participate in the process of inquiry to be conducted for establishing her innocence or otherwise. The respondents are directed to proceed with the departmental disciplinary proceedings and conclude the same as expeditiously as possible without causing any further delay. In the event of non-cooperation on the part of the petitioner, it shall be recorded, and the inquiry shall be proceeded with accordingly.

12. With the above observations, this Writ Petition stands dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.] [M.J.R., J.]

03.12.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

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