



W.P.No.11084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11084 of 2024
and W.M.P.Nos.12163, 12164 and 12167 of 2024

V.Jaya Gowri

.. Petitioner

Versus

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Transport Commissioner,
O/o. The Transport Commissioner,
Ezhilagam, Chennai - 600 005.
3. The Deputy Transport Commissioner,
Salem Zone, Salem - 5.
4. D.Venkatraman .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 3rd respondent in Memo R.No.13/A2/2023, dated 17.07.2023, to quash the same and to consequently, direct the respondents to forthwith consider the name of the petitioner for further promotion Deputy Transport Commissioner in the ensuing panel and to extend all service benefit thereto.

For Petitioner : Mr.L.Chandrakumar



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For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the charge memorandum, dated 17.07.2023 issued by the third respondent.

2. *Mr.L.Chandrakumar*, learned Counsel for the petitioner would submit that the charge memorandum is issued at the verge of the promotion of the petitioner. There is a discrepancy between the article of the charge and the statement of imputations of misconduct. When those persons were not allowed inside the office, such a charge could not be levelled against the petitioner. The allegations, if considered in the proper perspective, will not be violative of the circulars mentioned in the charge memo itself.

3. It can be seen that the grounds taken by the learned Counsel for the petitioner are nothing but a defence of the charge on merits. Therefore, this Court will not quash the charge memorandum by considering the defence. It is for the petitioner to raise such defences and deny the charge and it is for the appointing authority to consider the same on merits in accordance with law. As regards the argument of the learned Counsel for the petitioner that



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the charge is slapped at the verge of the promotion is concerned, the said grievance can be taken care of by directing the respondents to expedite the enquiry.

4. The petitioner has also given the explanation and an Enquiry Officer is also appointed.

5. In view thereof, this Writ Petition is disposed of on the following terms :-

(i) The prayer for quashing of the charge memorandum, dated 17.07.2023 is negatived;

(ii) The respondents are directed to complete the enquiry pursuant to the impugned charge memorandum, dated 17.07.2023 within four weeks from the date of receipt of a copy of this order and pass final orders in the Disciplinary Enquiry;

(iii) It is needless to mention that the petitioner shall also co-operate in the expeditious conduct of the enquiry;

(iv) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.04.2024

Index : yes



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Speaking order

Neutral Citation : no
grs

To

1. The Principal Secretary,
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Fort St. George, Chennai - 600 009.
2. The Transport Commissioner,
O/o. The Transport Commissioner,
Ezhilagam, Chennai - 600 005.
3. The Deputy Transport Commissioner,
Salem Zone, Salem - 5.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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