



W.P.No.13573 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13573 of 2022

and

W.M.P.No.12779 of 2022

S.Rajeswari

...Petitioner

-Vs-

1.The Transport Commissioner
377M+F26, Ezhilagam
P.W.D. Estate
Chepauk
Triplicane
Chennai – 5.

2.The Regional Transport Officer
Theni.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo issued by the 2nd respondent in proceedings memo R.No.030363/B1/2021 dated 22.04.2022 and quash the same.



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For petitioner : Ms.Thenmozhi Shivaperumal
For respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed challenging the charge memo issued by the 2nd respondent dated 22.04.2022.

2. The petitioner is working as Superintendent in Regional Transport Office, Chennai (South West). The petitioner was initially appointed as Typist in the office of the Regional Transport Office, Madurai on 07.08.2009. Thereafter, she was transferred to the office of DTC/Madurai(North) and worked there upto 31.12.2012. The petitioner had acquaintance with one S.Muralidharan who was working as Superintendent in the same office. Thereafter, she got married the said S.Muralidharan. Subsequently, the petitioner was transferred to Regional Transport Office Chennai (South East), Chennai (South West), office of STA Chennai, RTO Chennai (West) as Assistant. Thereafter, she was promoted



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to the post of Superintendent and posted at RTO Office, Chennai (Central).

While being so, the petitioner intended to purchase a house at chennai with assistance of bank loan. Therefore, she recorded the said S.Muralidharan as husband for the purpose of availing loan and submitted joint loan application in the bank of Allahabad, K.K.Nagar branch, Chennai. The petitioner executed deposit of title deeds and availed loan to the tune of Rs.21,00,000/-. After purchase of the house, the sale deed was registered jointly vide document No.6788/2014. Thereafter, the entire loan amount was settled by the petitioner. Therefore, the petitioner was served with a charge memo under rule 17(b) of the Tamil Nadu (discipline and Appeal) rule dated 22.04.2022. The charges are extracted as follows:

"Tmt.S.Rajeswari, now Superintendent, Regional Transport Office, Chennai(Central) had committed the offence of bigamous marriage with Thiru.S.Muralidharan, formerly Superintendent, Regional Transport Office, Madurai (North). Subsequently, promoted as Motor Vehicles Inspector (Non Technical) and Personal Assistant to State



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Transport Authority, Chennai now working as Personal Assistant to Regional Transport Office, Theni eventhough his first wife Tmt.Shakila is alive. The documentary evidences of Registration Department and Bank of Allahabad, K.K.Nagar, Chennai which substantiated that Tmt.S.Rajeswari, herself recorded her name as the wife of Thiru.S.Muralidharan, while acquiring property and borrowing loan in the name of both. As such it clearly reveals on record that Tmt.S.Rajeswari being a divorcee, entering into a Bigamous Marriage with Thiru.S.Muralidharan, who is having spouse living. Thus she failed to maintain absolute integrity and devotion to duty and conducted herself in a manner unbecoming of a Government Servant, there by violated Rule 19(1)(i) of TamilNadu Government Servants Conduct Rules 1973."

3. Therefore, the charges framed against the petitioner is only based on presumptive conclusion to the effect that the petitioner was



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colluded with the said S.Muralidharan submitting of loan application by incorporating the petitioner's name as wife of said S.Muralidharan. Except the said application, no other evidences are established so as to prove, the petitioner had married the said S.Muralidharan and living together as husband and wife. Therefore, framing of charges under Rule 17(b) is not necessary.

4. On perusal of the charges made against the petitioner revealed that it requires show cause notice under Rule 17(a) is sufficient. That apart, for issuance of charge memo under Rule 17(b), it should be issued by the appointing authority. Now, the charge memo has been issued by the 2nd respondent, who has no jurisdiction or power to issue charge memo. Admittedly, the petitioner is now working as Superintendent from 26.09.2020 in the office of Regional Transport Office, Chennai (Central). The petitioner applied for loan along with the said S.Muralidharan in the year 2014 before the Bank of Allahabad, K.K.Nagar Branch, Chennai to purchase the house at Chennai. Therefore, at this limited ground, the charge memo dated 22.04.2022 cannot be sustained and liable to be quashed.



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5. Accordingly, the charge memo issued by the 2nd respondent in proceedings memo R.No.030363/B1/2021 dated 22.04.2022 is quashed and this writ petition stands allowed. However, the competent authority is at liberty to issue fresh charge memo against the petitioner in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet: Yes/No
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