



WEB COPY



W.P.No.15099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15099 of 2024
and W.M.P.Nos.16401 and 16402 of 2024

M.Amsaveni

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Commercial Building Cotton Market,
Palladam Road,
Tirupur District.
3. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Veeraraghava Perumal Temple Campus,
Flower Market,
Thirupur - 04.
4. S.V.Harshini

.. 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 to



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the impugned charge memo, dated 19.12.2023 vide proceedings in Na.Ka.No.12178/2023/A2 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondent authorities to drop all further proceedings in pursuant to the charge memo, dated 19.12.2023 within the time frame fixed by this Court.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader
(HR & CE), for RR-1 to 3

ORDER

This Writ Petition is filed challenging the impugned charge memo, dated 19.12.2023 issued to the petitioner.

2. The learned Counsel for the petitioner submits that on a perusal of the charges, it can be seen that the charges are minor in nature. As such, the respondents ought to have issued the charges under Rule 17(a) of the *Tamil Nadu Civil Services (Discipline and Appeal) Rules* and could not have resorted to Rule 17(b) procedure. He also submits that even certain Standing Orders and the circulars issued by the HR & CE Department itself have not been considered while framing the charges. Therefore, this is a case where this Court should interfere at the charge memo stage itself.



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3. I have considered the said submissions made by the learned Counsel for the petitioner and perused the material records of the case.

4. This Court can interfere with the charge memo at this stage only on the limited grounds of jurisdiction or malafide or if only the allegations which are mentioned in the charge are not amounting misconduct or if there is undue and unexplained delay in initiation of charges etc. As far as the grounds raised by the learned Counsel for the petitioner is concerned, whether it is a serious charge or a charge warranting minor punishment cannot be decided at this stage itself. It is for the authority to consider the explanation of the petitioner and decide the same. The other arguments made by the learned Counsel for the petitioner that the circulars and the instructions of the department are not being considered at the time of framing of the charges etc., are all defences available to the petitioner to give an explanation to the charge memo and it is for the respondent authority to consider the same.



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5. The learned Counsel for the respondent Nos.1 to 3 submits that even though the petitioner did not submit her explanation, still, an Enquiry Officer is appointed and the matter is pending enquiry. Therefore, the petitioner can also submit a written explanation within two weeks from today. The petitioner can participate in the enquiry and raise all the grounds. As and when such grounds are raised, the same shall be objectively considered by the Enquiry Officer before arriving at a finding of guilt or otherwise in respect of the charges. The petitioner will be entitled to muster such evidence which may be in support of her including any guidelines or circulars issued by the department.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.06.2024

Neutral Citation : no
grs

To

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Hindu Religious Charitable Endowment Department,



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