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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23712 of 2024
and W.M.P.No.25946 & 25947 of 2024

N.Elara

... Petitioner

Vs.

- 1.The Secretary,
Rural Development and Panchayat Raj,
Secretariat, Chennai.
- 2.The Director,
Rural Development and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai – 600 015.
- 3.The District Collector,
Collector Office,
Tiruvarur – 610 004.
- 4.The Inspector of Police,
Vigilance and Anti Corruption Department,
Thiruvarur – 610 004.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records of the 3rd



respondent proceedings in Na.Ka.No.3804/2020/A2/(Development) dated 31.08.2020 and to quash the same and thereby consequently directing the respondents to discharge by exonerating the petitioner.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

The subject matter of challenge in the present writ petition pertains to the Charge Memo issued by the 3rd respondent in Na.Ka.No.3804/2020/A2/Development dated 31.08.2020 and for consequential direction to direct the respondents to discharge the petitioner and exonerate him from all charges.

2.Heard Mr.C.Kanagaraj, learned counsel appearing on behalf of the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of the respondents.

3.The grievance that has been expressed by the petitioner is that he has been roped in a case where he is not at all involved and the Charge Memo has



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been issued in the year 2020 and thereafter, there has been absolutely no improvement or progress in the case. That apart, a criminal case was also registered on the said of same facts in Crime No.8 of 2021 on 16.08.2021 and in that FIR, the name of the petitioner does not find place. Therefore, the petitioner is not one of the accused in the FIR and whereas, the departmental proceedings are being kept pending and aggrieved by the same, the present writ petition has been filed seeking to quash the Charge Memo issued against the petitioner.

4.The learned Special Government Pleader appearing on behalf of the respondents submitted that the enquiry officer has conducted the enquiry and the enquiry report has also been submitted. Sanction is awaited from the Government and that apart, the respondents are also awaiting for the final result in the criminal case.

5.In the considered view of this Court, taking into consideration the nature of allegations that have been made against the petitioner in the Charge Memo, the delay by itself is not a ground to quash the charge memo. However, the petitioner cannot be made to endlessly wait for the criminal proceedings to



conclude, since admittedly, the petitioner has not been arrayed as an accused in the criminal case. Now that the enquiry report has been submitted, the 3rd respondent can proceed further with the departmental proceedings without waiting for the result in the criminal case. Since the proceedings have been initiated under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the proper procedure shall be followed by affording opportunity to the petitioner and a final decision shall be taken within a period of three months from the date of receipt of copy of this order.

6.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order

ssr

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N. ANAND VENKATESH, J.

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