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W.P.No.25950 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25950 of 2024
and W.M.P.No.28327 of 2024

R.N.Dhanasekaran

.. Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Highways and Minor Ports (HL1) Department,
Secretariat, Chennai – 600 009.

2.The Director General,
Highways Department,
Chennai – 600 025.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the impugned order of the 1st respondent in Letter No.385/HL1/2021-17 dated 02.04.2024 and quash the same.

For petitioner : Mr.Sathiyaraj E.
For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 02.04.2024 which is the charge



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memo issued to the petitioner.

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2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner is that he was working as a Divisional Engineer at Dharmapuri. On 12.11.2020, the Deputy Superintendent of V & AC conducted a surprise check and had found that one Angappan and Elangovan were found in possession of unaccounted money. Hence, an FIR came to be registered in Crime No.5/AC/2020 on 12.11.2020. The petitioner was thereafter transferred to Vellore through the proceedings of the 2nd respondent dated 27.07.2022.

4.The grievance of the petitioner is that after nearly 3 ½ years, the impugned charge memo dated 02.04.2024 was issued by the 1st respondent. According to the petitioner, there is absolutely no allegation or materials available against the petitioner for possessing any unaccounted money. That apart, the meeting was conducted with 29 officials including the petitioner and whereas, the petitioner alone is subjected to inquiry. The petitioner also submitted a reply dated



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03.05.2024, wherein he had sought for certain documents to give a effective reply to the charge memo. The documents were also not furnished to the petitioner. It is under these circumstances, the present writ petition has been filed challenging the charge memo.

5.In the considered view of this Court, the charge memo has been issued by a competent authority pointing out certain charges against the petitioner. This charge memo has been issued in the year 2024 for the incident which took place in the year 2020. It is not as if in every case where there is a delay, the charge memo will be interfered. It will depend upon the facts and circumstances of each case. Considering the facts of this case, this Court is not inclined to interfere with the charge memo.

6.The petitioner has sought for certain documents in his reply dated 03.05.2024. Those documents are very essential in order to enable the petitioner to effectively defend himself in the departmental proceedings. This is in view of the fact that the petitioner was not found to be in possession of any unaccounted money and that apart, the meeting was conducted which involved nearly 29 officials including the petitioner. Therefore, the petitioner must be afforded with sufficient



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particulars by furnishing the necessary documents relied upon in the inquiry.

7.In the light of the above discussion, there shall be a direction to the 1st respondent to furnish the documents sought for and relied upon in the inquiry, to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner shall give his detailed reply for the show cause notice within a period of four (4) weeks thereafter. The inquiry shall be conducted strictly in accordance with law after affording sufficient opportunity to the petitioner and it shall be completed as expeditiously as possible.

8.Accordingly, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To



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Secretariat, Chennai – 600 009.
- 2.The Director General,
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N.ANAND VENKATESH, J.

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