



Writ Petition No.26460 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26460 of 2024
and
W.M.P.Nos.28924 & 28925 of 2024

N.Thirumurthi

... Petitioner

Vs.

1.The Commissioner,
Food Safety and Drug Administration
Department,
Anna Salai, DMS Compound,
Chennai - 600 006.

2.The Designated Officer,
Food Safety and Drug Administration Department,
Salem District, Salem - 636 001.

3.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, R.A.Puram,
Chennai - 600 028.

4.The Commissioner,
Namakkal City Municipal Corporation,
Namakkal - 637 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned charge memorandum issued by the



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second respondent in Na.Ka.No.458/A1/FSSA/2018 dated 19.03.2018 and quash the same and consequently, to direct the respondents 1 and 2 to expunge the statement recorded by the second respondent in the Service Register of the petitioner to the fact that the disciplinary proceedings is still pending for issuing final orders within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.M.Bindran,
Additional Government Pleader
[R1 & R2]
Dr.T.Seenivasan,
Special Government Pleader [R3 & R4]

ORDER

This writ petition has been filed challenging the impugned charge memorandum dated 19.03.2018 issued by the second respondent and for a consequential direction to the respondents to expunge the statement recorded by the second respondent in the service register of the petitioner.

2. Heard Mr.T.Ranganathan, learned counsel for petitioner, Mr.M.Bindran, learned Additional Government Pleader appearing for respondents 1 and 2 and Dr.T.Seenivasan, learned Special Government Pleader appearing for respondents 3 and 4.



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3. The case of the petitioner is that he was working as a Food Safety Officer and a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, came to be issued by the second respondent. The petitioner also submitted his defence statement. The first respondent called for enquiry on 21.05.2018 and the petitioner appeared before the first respondent. The further case of the petitioner is that the first respondent had directed the petitioner to get back to his parent department so that the issue itself can be closed and disciplinary proceedings can be dropped. Accordingly, the petitioner was relieved from the first respondent department on 31.05.2018. The petitioner was under the impression that the entire disciplinary proceedings has come to an end.

4. The petitioner subsequently came to know that the second respondent has recorded in the service register of the petitioner on 07.09.2018 as if the disciplinary proceedings initiated against the petitioner has already been enquired and final orders are awaited.

5. The petitioner submitted a representation before the first respondent on 24.07.2024 bringing to the notice of the first respondent



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about the earlier happenings and requested the first respondent to pass an order in order to finalise the disciplinary proceedings. Since the same was not considered, the present writ petition has been filed challenging the impugned remarks made by the second respondent in the service register of the petitioner.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the first respondent has already enquired the petitioner in the presence of second respondent and the petitioner was also directed to go back to his parent department in order to close the disciplinary proceedings, there shall be a direction to the first respondent to pass final orders on the representation made by the petitioner on 24.07.2024 within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To
WEB COPY

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N.ANAND VENKATESH, J

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