



WEB COPY



W.P.No. 11247 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 11247 of 2017

and

W.M.P.No. 25245 of 2017

G. Vijay

... Petitioner

Vs.

1.The Joint Director,
Department of Animal Husbandry,
Vellore – 632 004
Vellore District.

2.The Veterinary Doctor and Inquiry Officer,
Vaniyambadi,
Vellore District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned proceedings of the first respondent in R.C.No.1209/A1/2014 dated 20.02.2017 and quash the same and consequently, direct the first respondent to desist from initiating disciplinary proceedings against the petitioner till the judgment of the case in Crime No.388 of 2016 on the file of the Vellore North Police Station.

For Petitioner : Mr. S. Sathia Chandran

For Respondents : Mrs. C. Sangamithirai,
Special Government Pleader



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ORDER

This Writ Petition has been filed against the proceedings of the first respondent in R.C.No.1209/A1/2014 dated 20.02.2017 on the ground that initiation of the disciplinary proceedings to be contrary to law as no charge memo was issued before the initiation of the disciplinary proceedings and for a consequential direction to the first respondent to desist from initiating disciplinary proceedings against the petitioner till passing the judgment in Crime No.388 of 2016 on the file of the Vellore North Police Station.

2. On behalf of the respondents counter affidavit has been filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

4. This Court on 05.05.2017 passed an interim order in W.M.P.No.12184 of 2017 ordering interim stay as prayed for. Subsequently, by order dated 02.03.2018 while disposing Writ Miscellaneous Petition, *it is made it clear that if the criminal charges against the petitioners are proved notwithstanding the fact that the present disciplinary proceedings has been withheld, the authority may proceed against him if so desire under Section 17C of the Tamil Nadu Civil Service*



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(Discipline and Appeal) Rules.

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5. Under this background, the facts of the case are taken into consideration.

It appears that the petitioner was serving as a Driver under the first respondent. A criminal case has been registered against him for the enlisting misconduct of obtaining the service by producing false and fabricated certificate of mark sheet. Simultaneously, the disciplinary proceeding also initiated under Section 17b of the Tamil Nadu Civil Service (Discipline and Appeal) Rules initiated for such misconduct.

6. The main ground raised in the writ petition by the petitioner is that disciplinary proceedings are initiated without issuing any charge memo to the enlisting misconduct. In the averments made in the counter affidavit of the respondents also there is no specific plea that before initiating disciplinary proceedings, they have issued any charge memo to the petitioner.

7. Under these circumstances, in the considered opinion of this Court, without issuing charge memo to the petitioner, the action of the respondents contemplating to proceed with the disciplinary proceeding is contrary to law and against the principles of natural justice. Accordingly, the action of the respondents



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contemplating to proceed with the disciplinary proceedings against the petitioner pursuant to the proceedings of the first respondent in R.C.No.1209/A1/2014 dated 20.02.2017 is to be declared as against the settled proposition of law.

8. Accordingly, the proceedings of the first respondent in R.C.No.1209/A1/2014 dated 20.02.2017 is hereby set aside by allowing the present Writ Petition. However, considering the submissions of the learned counsel for the petitioner that the allegations made against the petitioner in the criminal proceedings and disciplinary proceedings are one and the same, it is made it clear that if the criminal charges against the petitioner is proved, thereafter, the competent authority may proceed against the petitioner to initiate disciplinary proceedings under Section 17C of the Tamil Nadu Civil Service (Discipline and Appeal) Rules, if so desire.

9. Consequently, connected miscellaneous petition is closed.

10. There shall be no order as to costs.

10.01.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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To

1.The Joint Director,
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Vellore District.

2.The Veterinary Doctor and Inquiry Officer,
Vaniyambadi,
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BATTU DEVANAND, J.

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