



WEB COPY



W.P.No.31126 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.31126 of 2023
and
W.M.P.No.30755 of 2023

S.Divya Devi

... Petitioner

Vs.

1. The Honourable Principal District Judge,
City Civil Court, High Court Buildings,
Chennai-104.

2. The Honourable Xxii-Addl District Judge,
City Civil Court, Allikulam Campus,
Chennai-03.

3. Ms.C.Umamaheswari
(Xxii-Addl District Judge) A-5,
4rd Floor, Judes Quarters,
Little Mount, Saidapet,
Chennai-15.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records relating to the Charge Memo (D.P No.1 of 2023 dated 13.07.2023) issued by the 2nd resplendent herein to quash the same and consequently reinstate the petitioner in service.



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For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.M.Santhanaraman,
(for R1 & R2)

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The Charge Memorandum dated 13.07.2023, issued by the 22nd Additional City Civil Court, Chennai, is under challenge in the present writ proceedings.

2. The principles governing the challenge of Charge Memo in a writ proceedings, under Article 226 of the Constitution of India, are that the if the Charge Memo impugned is issued by an incompetent Authority having no jurisdiction or tainted with the allegations of malafide and if the charges are so vague and such allegations cannot be proceeded with for the purpose of conducting an inquiry. In all other circumstances, the delinquent official is expected to submit his / her explanation to the authorities to defend the case. No writ against a Charge Memo is entertainable.



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3. The procedures to be followed in a disciplinary proceedings are to be complied with scrupulously. Opportunities, as contemplated under the discipline and appeal rules, are to be provided to the delinquent officer for the purpose of defending the case.

4. Learned counsel for the petitioner, Mr.C.S.K.Satish would submit that the inquiry had already been commenced. Examination of witnesses are in progress. That being so, the writ petitioner is at liberty to raise all the grounds during the process of inquiry.

5. With these liberties, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

15.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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