



WP(MD) Nos.13209 & 13210 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) Nos.13209 & 13210 of 2024

and

W.M.P(MD)Nos.11690 & 11696 of 2024

W.P.(MD) No.13209 of 2024

N.Anbuselvan

... Petitioner

Vs.

The District Collector / District Election Officer,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the impugned order in E.File Collerev.A2/16418/2024, dated 03.05.2024 on the file of respondent and quash the same.



WP(MD) Nos.13209 & 13210 of 2024

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.N.Ramesh Arumugam

Government Advocate

W.P.(MD) No.13210 of 2024

N.Anbuselvan

... Petitioner

Vs.

The District Collector / District Election Officer,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the impugned Charge Memo in Na.Ka.A2(E).16418/2024 dated 06.05.2024 on the file of respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.N.Ramesh Arumugam

Government Advocate



WEB COPY



WP(MD) Nos.13209 & 13210 of 2024

COMMON ORDER

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has challenged the charge memo and order of suspension issued to him on the allegations that on 19.04.2024 the petitioner, who is the Booth Level Officer (BLO) was standing inside the booth by not allowing the Booth Presiding Officer from going out and that he was also quarrelling with the Assistant Zonal Officer/Revenue Inspector by demanding salary for election duty and thereafter, prevented the ballot box from being taken out from the booth by joining along with villagers by



WP(MD) Nos.13209 & 13210 of 2024

intimidating that they would throw pelt stones on the jeep and had also quarreled with the Assistant Zonal Officer and injured him.

4. The learned counsel for the petitioner submitted that the petitioner did not prevent the ballot box as alleged in the charge memo and the Assistant Zonal Officer (Revenue Inspector) only had attacked the petitioner and the petitioner has been kept under suspension and given with the charge memo in a biased manner.

5. Attention was drawn to the enquiry report submitted by the Additional Superintendent of Police (ADSP), Cyber Crime Branch, Sivagangai District, by initiating an enquiry in this regard and had arrived at a conclusion in this regard.

6. It is learnt from this report that both the petitioner and the Assistant Zonal Officer/ Revenue Inspector Muthu Murugan had some quarrel between themselves and that had resulted in case in counter on the mutual complaints given by both of them. The



WP(MD) Nos.13209 & 13210 of 2024

report has not been submitted to the District Collector, who had issued the charge memo to the petitioner. In the charge memo, the Sub-Inspector who had accompanied the vehicle carried the ballot box was also not cited as a witness.

7. If the petitioner is so aggrieved, he can very well bring out all these facts in his explanation to be submitted to the appropriate authorities for consideration. It is learnt that the petitioner has also submitted an explanation on 30.05.2024. It is not learnt whether the Assistant Zonal Officer has not been placed under suspension and as against him only 17-A charges have been issued.

8. If the appropriate authority had an occasion to go into enquiry report submitted to the Superintendent of Police, he could have appreciated the matter in a better manner. However, the report has been submitted only to the Superintendent of Police and not the District Collector. When two persons have given counter complaint



WP(MD) Nos.13209 & 13210 of 2024

against each other, the petitioner alleged that he has sustained blood injuries in certain occurrence, it would have been appropriate if the police report on this being perused before initiating serious actions like suspension and issuance of charge memo against one officer involved in the occurrence. Since the other officer namely, the Revenue Inspector has been dealt under only 17-A, the petitioner feels that there is some bias.

9. It's probably because the appropriate authority, who had kept the petitioner under suspension and issued the charge memo could not have had the opportunity to consider the police report made in this regard. So it is up to the petitioner to attach the documents which he relies upon along with his explanation to be considered by the relevant appropriate authority and defend himself. If the petitioner feels that the Sub-Inspector of Police who had accompanied, the van is also a material witness and the said witness has not been cited as a witness on the side of the department, it is always open to the petitioner to examine the said



WP(MD) Nos.13209 & 13210 of 2024

WEB COPY

witness, if at all the respondents deems it necessary to initiate any disciplinary proceedings against him.

10. In view of the above made observation and also in the light of the police report filed after making enquiry, the respondents shall consider the representation of the petitioner and pass appropriate orders before proceeding to the next level or to reconsider the order of suspension issued to the petitioner.

11. With the above direction and observation, these writ petitions are **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

21.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



WEB COPY



WP(MD) Nos.13209 & 13210 of 2024

To

The District Collector /
District Election Officer,
Sivagangai District.



WEB COPY



WP(MD) Nos.13209 & 13210 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)Nos.13209 & 13210
of 2024

21.06.2024