



W.P.(MD).No.19567 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19567 of 2024

and

W.M.P.(MD).No.22370 of 2024

B.Deepika

... Petitioner

-VS-

1.The District Collector,
Nagercoil Collector Office,
Kanniyakumari District-629 001.

2.The Director,
Rural Development Department,
Panagal Malligai, Chennai-600 015.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the 17b charge memo proceeding No.D4/41640/2021 dated 03.01.2023 on the file of the Respondent No.1 and quash the impugned 17b charge memo as illegal.



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For Petitioner

: Ms.Deepika
Party-in-Person

For Respondents

: Mr.A.Baskaran,
Additional Government Pleader

ORDER

The instant writ petition has been filed by an Assistant working in the Panchayat Union office, challenging the charge memo issued by the first respondent on 03.01.2023.

2. A perusal of the charge memo reveals that the petitioner has been charged with two statement of charges. The first charge relates to her involvement in criminal case in Crime No.19 of 2021, on the file of the District Crime Branch, Thirunelveli for the alleged offences under sections 406 and 420 of IPC.

3. A perusal of the typed set of papers reveal that the petitioner had filed quash petition before this Court in Crl.O.P.(MD).Nos.6038 and 22311 of 2023 seeking to quash the charge sheet filed as against the writ petitioner in



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C.C.No.2475 of 2022 on the file of the Judicial Magistrate No.I, Tirunelveli.

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This Court by an order dated 05.03.2024, had allowed the said quash petitions and quashed the said C.C.No.2475 of 2022 on the file of the Judicial Magistrate No.I, Tirunelveli.

4. According to the petitioner, when the charges levelled as against the writ petitioner have already been quashed by this Court, department ought not to have issued a charge memo on the same set of facts.

5. A perusal of the second charge levelled as against the writ petitioner reveals that the petitioner was on medical leave with effect from 06.02.2020 and rejoined on 20.02.2020. However, during the said period, the petitioner is said to have entered into a sale agreement. Therefore, according to the charge memo, the petitioner has violated, Rule 7(1)(a) of TamilNadu Government Servants Conduct Rules, 1973, and not obtained prior permission from the authorities to acquire or dispose of any immovable property, either in her own name or in the name of her family members. As far as this charge is concerned, it is the contention of the writ petitioner that she has never entered into any sale agreement for selling the property and any



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amount received is only an advance amount, and therefore, there was no disposal of the property.

6. However, the learned Additional Government Pleader appearing for the respondents herein had contended that the petitioner has entered into a sale agreement on 01.08.2020 and the sale considerations have been received on 10.02.2020, 01.08.2020 and 07.12.2020 respectively. Therefore, it is clear that there is a dispute with regard to the factual position, whether, the petitioner has entered into a sale agreement or whether she has received any sale consideration or not.

7. As far as the charge No.1 is concerned, the charge sheet laid as against the writ petitioner having been quashed, the authorities would not be in a position to continue with the enquiry relating to the charge No.1. However, as far as the Charge Nos.2 and 3 are concerned, which involve disputed questions of fact, the same have to be decided only by the enquiry officer, after giving due opportunity to the writ petitioner herein.



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8. In such circumstances, this court does not find any merits in this writ petition. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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R.VIJAYAKUMAR,J.

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