



W.P(MD)No.26967 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.26967 of 2019 and  
WMP(MD) No.23317 of 2019

M.Duraipandi

... Petitioner

Vs

1.The District Collector,  
Madurai District , Madurai.

2.The Revenue Divisional Officer,  
Melur, Madurai District.

3.The Tahsildar,  
Melur Tk, Madurai District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Charge memo in Na.Ka.No.4539/2019/A3 dated 20.11.2019 passed by the Respondent No.2 and quash the same as illegal and consequently directing the respondent No.2 to reinstate the petitioner as Village Administrative Officer with all service and monetary benefits.

For Petitioner

: Mr.V.R.Venkatesan.



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For Respondents : Mr.K.Balasubramaniam  
Special Government Pleader

### **ORDER**

The petitioner, a Village Administrative Officer of Ayyapatti Village was issued with a charge memo on 20.11.2019, under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same is under challenge in this writ petition.

2. This Court has not entertained this writ petition and not even a notice was ordered. However, this Court, by order dated 18.12.2019, has directed the Department to proceed with the charge memo dated 20.11.2019 issued as against the petitioner. Thereafter, the writ petition was listed on 30.01.2020 and 06.03.2020 and once again it was adjourned, since the counter affidavit has not been filed. When this writ petition was listed on 24.10.2024, it was posted to 04.11.2024. On that day, an adjournment was sought for by the learned counsel for the petitioner and accordingly, it was posted to 07.11.2024. When this writ petition is taken up for hearing on 13.11.2024, the learned counsel for the petitioner sought further time



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to proceed with the writ petition.

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3. The learned Special Government Pleader appearing for the respondents, on instructions, submits that this writ petition was not even admitted by this Court. However, by referring this writ petition, the petitioner is not co-operating for the enquiry. He further submits that the charge memo of the year 2019 is still kept pending, in view of the pendency of this writ petition. The learned Special Government Pleader, by referring the judgment of the Honourable Supreme Court, in *the Secretary, Ministry of Defence and others, Vs. Prabhash Chandra Mirdha*, reported in *(2012) 11 Supreme Court Cases 565* submits that the petitioner has not raised any ground on the competence of the officer, who has issued the charge memo and that the petitioner has not attributed any *mala fides* and therefore, this writ petition is liable to be dismissed.

4. This Court considered the rival submissions made and also perused the materials placed on record.



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5. The petitioner, who is working as a Village Administrative Officer in Ayyapatti Village, is facing charges under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charge memo was issued as against the petitioner on 20.11.2019. Soon after, he has filed this writ petition on 17.12.2019. This Court has not even entertained this writ petition by ordering notice. However, it appears that by referring this writ petition of the year 2019, this petitioner has not co-operated for the enquiry for all these years. Though a direction has been issued to the respondents in the year 2019 to proceed with the departmental proceedings, the enquiry is still pending. The petitioner has not taken any ground on jurisdiction of the officer, who has issued the charge memo. The Honourable Supreme Court in unmy number of judgments has held that at the stage of charge memo, no interference is required. Therefore, this Court is not supposed to interfere with the charge memo, dated 20.11.2019. However, considering the manner in which, the departmental proceedings has been dragged by the writ petitioner by filing this writ petition, this Court is inclined to dismiss



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this writ petition with costs. However, at the request of the learned counsel for the petitioner, this Court is not inclined to impose any costs.

6. Accordingly, this writ petition is dismissed with the direction to the respondents to conclude the enquiry on a day-to-day basis, within a period of four months from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petition is closed.

**15.11.2024**

NCC:Yes/No

Index:Yes

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To

- 1.The District Collector,  
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- 3.The Tahsildar,  
Melur Taluk, Madurai District.



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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.26967 of 2019 and**  
**WMP(MD) No.23317 of 2019**

**15.11.2024**