



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08-08-2025

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP NO. 14092 of 2016

AND

WMP Nos.12298 & 12299 of 2016

G.Venkateswaran,
S/o.M.T.Gopal,
Headmaster,
Government Tribal Residential Primary School,
Karumanthurai, Pethanaickenpalayam,
Salem District.

Petitioner(s)

Vs

- 1.The Director of Adi Dravidar
Welfare, Chepauk, Chennai-600 005.
2. The District Adi Dravidar
Welfare Officer, Salem District, Salem.
3. The Enquiry Officer/Assistant
Director (Education),
O/o. Director of Adi Dravidar Welfare,
Chepauk, Chennai-600 005.

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No. R2/20379/2015 dated 17.03.2016 and the consequential impugned proceedings issued by 1st Respondent in Rc.No.R2/20379/2015 dated 23.03.2016 and to quash the same.



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For Petitioner : Mr.J.Jayamalan for S.Nedunchezhiyan

For Respondents : Mr.Yashwanth for R1 to 3

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorari, to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No. R2/20379/2015 dated 17.03.2016 and also the consequential impugned proceedings issued by 1st Respondent in Rc.No.R2/20379/2015 dated 23.03.2016 and to quash the same.

2.This Court, by order dated 15.04.2016, had passed the following order:

"2.The learned counsel appearing for the petitioner has placed two contentions against the impugned Charge Memo issued by the 2nd respondent Viz., one, after framing the Charge Memo by the Director of Adi Dravidar Welfare, Chennai, who is the appellate authority has wrongly issued the same, while the District Adi Dravidar & Tribal Welfare Officer, Salem, being the appointing authority, under Rule 17(b) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules. As a result, the petitioner would not be in a position to prefer an appeal in the event of any punishment



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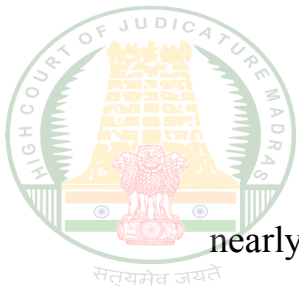


imposed by any officer either appointing authority before the appellate authority. Two, when the charge memo was issued by the 1st respondent on 17.03.2016 and the same was served upon the petitioner on 23.03.2016, calling upon the petitioner to submit his explanation within a period of 15 days, even before the completion of 15 days to give his explanation, on the very same day, i.e., on 23.03.2016, appointing an Enquiry Officer clearly shows that the respondents are not willing to go through the explanation given to the charge memo, which shows that the disciplinary authority has prejudged the issue.

3.*Prima facie*, I find some merits in the above submission, hence, there shall be an order of interim stay of operation of the impugned charge memo for a period of eight weeks".

3.The learned counsel for the petitioner has submitted that appointing enquiry officer, even before the explanation was received, itself shows that the concerned authority is biased and will not give an opportunity to the petitioner to defend himself.

4.On the other hand, the learned counsel for the respondents would submit that the enquiry if any shall be concluded within three months as



nearly 10 years lapsed since the charges were framed.

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5.Initially, this Court *prima facie* found that the appointing authority, who is conducting the enquiry, is the appellate authority, who has issued a charge memo.

6. Therefore, this Court is of the view that a fresh charge memo shall be issued and sufficient time to be granted to the petitioner for his explanation, in accordance with the Rules. Further enquiry shall also be conducted thereafter, in accordance with the Rules.

7. With the above observation, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

(K. SURENDER,J)

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Index : Yes/No

Speaking order: Yes/No



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K. SURENDER, J

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