



WEB COPY

WP No. 28479 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 28479 of 2025

and

W.M.P.Nos.31896 and 31897 of 2025

S.Saravanan

Motor Vehicle Inspector Grade-I,
Unit Office, Pattukottai, Thanjavur
District-614 601.

Petitioner(s)

Vs

1. Principle Secretary/Transport
Commissioner,
Guindy, Chennai -600 032.

2.Joint Transport Commissioner,
Chennai South Zone,
Chennai -600 078.

Respondent(s)

PRAYER: The writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records leading to the issue of Charge Sheet in Memo R.No. 360/A2/2022 dated



16.11.2022 on the file of the 2nd respondent, Joint Transport Commissioner, Chennai South Zone, Chennai-600 078 and quash the same in so far as the Petitioner alone is concerned

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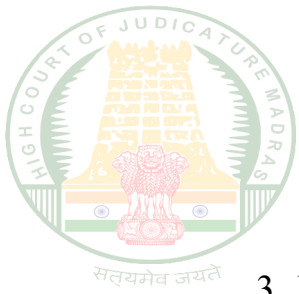
For Petitioner(s): Mr. K. Sridhar

For Respondent(s): Mr.R.Sasikumar, Govt. Advocate
For R1 and R2

ORDER

This Writ Petition has been filed challenging the order dated 16.11.2022 passed by the second respondent.

2. The learned counsel for the petitioner would submit that the charge memorandum dated 16.11.2022, is liable to be quashed on the ground of inordinate delay, as the occurrence took place during 2019, whereas the charge memorandum was issued only during 2022, and till date, no enquiry has been commenced. Apart from that, the learned counsel for the petitioner, relying upon certain circulars, would submit that the petitioner is not responsible for anything that had happened at the office, as the petitioner's responsibility is limited to overseeing vehicle violations at NH 45. Hence, he submitted that the instant charge memorandum is to be quashed.



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3. However, the said contention was strongly objected to by the learned Government Advocate appearing for the respondents, who submitted that there is an inordinate delay in preferring the present Writ Petition, and apart from that, unless the petitioner challenges the incompetency of the authority or whenever there is a violation of fundamental rights, or if the principles of natural justice are violated, the question of interfering with the charge memorandum at this stage does not arise. Hence, he prayed to dismiss the instant Writ Petition.

4. I have given my anxious consideration to either side submissions.

5. Admittedly, the petitioner has approached this Court after a period of more than 2.5 years, as he was served with the charge memorandum on 16.11.2022. Therefore, *prima facie*, this Court does not find any grounds urged by the petitioner to be tenable at this length of time. Even for argument's sake, if there is any ground to be taken into consideration, it does not come within the



purview of the incompetency of the issuing authority or in respect of violation of fundamental rights or the violation of natural justice.

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6. The submissions made by the learned counsel for the petitioner, referring to the circular dated 28.08.2000, the other circular dated 05.10.2006, and G.O.Ms.No.971, Home (Prl. Establishment) Department, dated 18.12.2014, revolve around the persons responsible for any misdeed committed in the office. However, the petitioner claims he is not responsible for anything that happened beyond his knowledge. It is premature for this Court to delve into those aspects, as they pertain to factual positions that can be better adjudicated by the disciplinary authority. Therefore, this Court does not find any merits in the present Writ Petition.

7. However, taking into consideration the submission made by the learned counsel for the petitioner that no enquiry has been conducted despite the appointment of the Enquiry Officer, this Court deems it appropriate to direct the respondents to conclude the disciplinary proceedings in accordance with law



within a period of four months from the date of receipt of a copy of this order.

This Court makes it clear that the disciplinary authority is directed to proceed with the disciplinary proceedings uninfluenced by any of the observations made in the present Writ Petition, as they were made only for the purpose of deciding this Writ Petition.

8. In the result, this Writ Petition is dismissed with the above directions.

Consequently, the connected Miscellaneous Petitions are closed.

05-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.Principle Secretary/Transport
Commissioner,
Guindy, Chennai -600 032.

2.Joint Transport Commissioner,
Chennai South Zone, Chennai -600
078.



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C.KUMARAPPAN J.

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