
(2011) 08 MAD CK 0115

In the Madras High Court

Case No : Writ Petition No. 2945 of 2006 and W.P. M.P. (MD) No. 3222 of 2006

M. Arunachalam

APPELLANT

Vs

The District Collector

RESPONDENT

Date of Decision : 01-08-2011

Acts Referred:

Citation : (2011) 08 MAD CK 0115

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : S. Visvalingam, for the Appellant; D. Muruganandam, Additional Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Vinod K. Sharma, J.—The Petitioner has approached this Court, with a prayer for issuance of a Writ, in the nature of Certiorari, to quash

the Charge Memo dated 28.06.2002.

2. The prayer made by the petitioner cannot be accepted, as it is not within the jurisdiction of this Court, to quash the Charge Memo, unless it is

shown to be have been issued by the person, not competent to issue the Charge Memo, statutory bar or in exceptional cases where on account of

inordinate delay or peculiar facts of a case an opinion can be formed that initiation of proceedings will amount to misuse of power of law or

amounts to colourable exercise of power.

3. The only ground on which the Petitioner seeks quashing of Charge Memo, is that the criminal case is also pending against some other employee,

and that the records of the case is filed in the criminal case. In absence there of, it is not possible for the Respondent, to conduct Departmental

enquiry regarding the charges levelled against the Petitioner.

4. It is for the Respondent to see, as to how the departmental proceedings are to be conducted. It is always open to the authority to summon

record from the Court for a particular day for holding departmental enquiry. It is also open to lead other permissible evidence, this cannot be a

ground to challenge the charge memo.

5. The learned counsel for the petitioner contends, that this writ petition deserves to be allowed, in view of the stand taken by the respondent in the

counter affidavit, that the Respondents will proceed with the Departmental Enquiry, only after receipt of record from the Criminal Court.

6. This stand of the Respondent is misplaced nor does it entitle the petitioner to the relief claimed for. This Court, cannot prohibit the Respondent

from proceeding with the proceedings, as it is for the Competent Authority to decide, as to how to proceed with enquiry and if so advised,

necessary records can be summoned from the criminal Court or certified copies of documents can be obtained for production before the Enquiry

Officer

7. This Court, cannot regulate the Departmental proceedings nor can quash the Charge memo only for the difficulty of the competent authority to

conduct the enquiry, as it falls within the jurisdiction of the competent authority as observed above.

8. No. merit, ""dismissed"".

No costs. Consequently, the connected W.P.M.P.(MD) No. 3222 of 2006 is closed.