

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Monday, the Eleventh day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.DHANDAPANI

WP No.31717 of 2019

and WMP.No.31924 OF 2019

A.GLORY GUNASEELI

[PETITIONER IN BOTH THE PETITIONS]

Vs

THE STATE OF TAMIL NADU, [RESPONDENT IN BOTH THE PETITIONS]
REP BY THE SECRETARY TO GOVERNMENT,
SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME,
SECRETARIAT, FORT ST. GEOPRGE,
CHENNAI 9

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari calling for the records of the respondent in its Letter No. 4605/ SW8(2)/ 2016-6 dated 1.11.2019 and quash the same in WP.No.31717/209 and ;

(ii) To stay all further proceedings pursuant to the impugned proceedings of the respondent in its Letter No. 4605/ SW8(2)/ 2016-6 dated 1.11.2019 (in WMP.No.31924/2019) pending disposal of the WP.No.31717/2019 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of Mr. VIJAYASHANKAR, Advocate for the petitioner in both the petitions and of MR.A.N. THAMBIDURAI, SPECIAL GOVERNMENT ADVOCATE for Respondents in both the petitions the court made the following order:-

1. Admit.
2. Issue Rule Nisi. Call for records in eight (8) weeks.

3. The learned counsel for the petitioner submitted that on an earlier occasion when the Contempt Petition No 1713 of 2019 was taken up for hearing, an affidavit came to be filed by the respondent to the effect that in respect of the Disciplinary case initiated under Rule 17(b) of the Tamil Nadu Civil Services

(Disciplinary and Appeal) rules against the petitioner, the Government have after careful examination decided to accept the Enquiry Officer's Report and held the charges 3 and 5 as proved and charges 1,2,4,6 and 7 as not proved.

4. The learned counsel further submitted that contrary to the statement in the said affidavit, the respondent has issued the impugned proceedings dated 01.11.2019 stating that 'the Government agrees with the findings of the enquiry officer insofar as it relates to the charge numbers 3 & 5 and hold that charge numbers 1,2,4,6 & 7 which the enquiry officer has held as not proved are also proved'.

5. Accordingly, there shall be an order of interim stay of the impugned proceedings dated 01.11.2019 insofar as it relates to charge numbers 1,2,4,6 & 7. The respondent shall proceed with the impugned order in respect of charge numbers 3 & 5.

6. Post the matter along with Contempt Petition No. 1713 of 2019 on 27.11.2019.

-sd/-
11/11/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT,
SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI 9

C.C. to V.VIJAYASHANKAR Advocate, SR.NO.13381

The Government Advocate, High Court, Madras - 104.

Order
in
WP.31717/2019
and
WMP.NO.31924/2019

Date :11/11/2019

From 26.2.2001 the Registry is issuing certified
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SM/26/11/2019