

WP(MD) No.27685 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Nineteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

WP(MD) No.27685 of 2024

AND

WMP(MD)No.23494 of 2024

R.MURUGESAN

... PETITIONER

Vs

1 THE SECRETARY TO GOVERNMENT
RURAL DEVELOPMENT DEPARTMENT
AND PANCHAYAT RAJ DEPARTMENT,
FORT ST.GEORGE,
CHENNAI - 09.

2 THE COMMISSIONER
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS,
1ST FLOOR, OLD COLLECTORATE BUILDING,
TRICHY.

... RESPONDENTS

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorari calling for the records of the 2nd respondent in connection with the impugned charge memo formulated in TDP Case No. 11D of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 and quash the same.

Prayer in WMP(MD). 23494/ 2024 :

To grant an interim stay of all further proceedings of the impugned charge memo issued by the 2nd respondent in TDP Case No. 11D of 2023 Na.Ka.A1/220/2023 dated 30.08.2024 pending disposal of the Writ Petition



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ORDER: This Writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SIVAKUMAR, Advocate for the petitioner and of Mr.D.SASIKUMAR, Additional Government Pleader on behalf of the Respondents, the Court made the following order:-

The instant writ petition has been filed by a former Block Development Officer, challenging the charge memo issued by the Tribunal for Disciplinary Proceedings, Tiruchirapalli.

2. According to the learned Counsel appearing for the writ petitioner the allegations levelled as against the petitioner were referred to the Directorate of Vigilance and Anti-Corruption. After investigation, they found that the allegations as against the writ petitioner have not been substantiated. By accepting the said report of DVAC, the Government has passed an order, dropping the charges as against the delinquent. Thereafter, the impugned charge memo has been issued on 30.08.2024 by the 2nd respondent herein.

3. According to the learned Counsel appearing for the petitioner, when corruption charges are not reflected in the said charge memo, the 2nd respondent lacks jurisdiction to issue charge memo. The learned Counsel appearing for the writ petitioner has specifically relied upon Rule.4 of the Tamilnadu Civil Service (Disciplinary Proceedings Tribunal) Rules, 1955 and also relied upon the judgement



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of this Court made in W.P.15404 of 2018 dated 14.07.2021 in the case of
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S.Viswanathan vs Principal Secretary to Government and others had contended that
when there are no charges with regard to corruption, the tribunal lacks jurisdiction
to issue charge memo.

4. In view of the above said facts, the petitioner has made out a prima facie
case.

5. There shall be an order of interim stay till **13.12.2024**.

6. Notice of Motion returnable by **13.12.2024**. Private notice is also permitted.

7. Post on **13.12.2024**.

sd/-

19/11/2024

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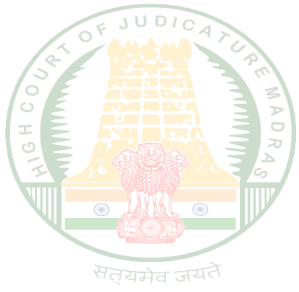
/11/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN

TO

1 THE SECRETARY TO GOVERNMENT
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2 THE COMMISSIONER
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+1 CC to M/s.A.BANUMATHY, Advocate (SR-14376[I] dated 21/11/2024)

ORDER
IN
WP(MD) No.27685 of 2024
AND
WMP(MD)No.23494 of 2024
Date :19/11/2024

SS/VR/SAR- /26/11/2024/ 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023